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# The Calcutta Gazette.

WEDNESDAY, MARCH 5, 1924.

## PART V.

*Acts of the Indian Legislature assented to by The Governor-General.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 16th February, 1924, and is hereby promulgated for general information :—

ACT No. II OF 1924.

THE CANTONMENTS ACT.

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*An Act to consolidate and amend the law relating to the administration of cantonments.*

WHEREAS it is expedient to consolidate and amend the law relating to the administration of cantonments; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Cantonments Act, 1924.
- (2) It extends to the whole of British India, including British Baluchistan.

(3) The Governor General in Council may, by notification in the Gazette of India, direct that this Act, or any provisions thereof which he may specify, shall come into force on such date as he may appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (i) "Assistant Health Officer" means the medical officer appointed by the Officer Commanding the District to be the Assistant Health Officer for a cantonment;
- (ii) "Board" means a Cantonment Board constituted under this Act;
- (iii) "brigade area" means one of the brigade areas, whether occupied by a brigade or not, into which India is for military purposes for the time being divided, and includes for all or any of the purposes of this Act any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a brigade area for such purpose or purposes;
- (iv) "building" means any house, hut, out-house, shed, stable or other roofed structure, for whatever purpose or of whatever material constructed, or any part thereof, and includes a well, but does not include a tent or other portable and temporary shelter;
- (v) "Cantonment Authority" means a Board or in the case of a cantonment where a Board has not been constituted or has ceased to exist, the Commanding Officer of the cantonment;
- (vi) "casual election" means an election held to fill a casual vacancy;
- (vii) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board;
- (viii) "Command" means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Governor General in Council may, by notification in the Gazette of India, declare to be a Command for all or any of the purposes of this Act;
- (ix) "Commanding Officer of the cantonment" means the military officer for the time being in command of the forces in a cantonment, or, if that officer is the Officer Commanding the District, the military officer who would be in command of those forces in the absence of the Officer Commanding the District;
- (x) "dairy" includes any farm, cattle-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for sale into butter, ghee, cheese or curds, and in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place in which he keeps the vessels used by him for the storage or sale of milk;

- (xi) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or is intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy;
- (xii) "Executive Engineer" means the Public Works officer of that grade, or the Military Works officer of the corresponding grade, having charge of the military works in a cantonment, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;
- (xiii) "Executive Officer" means the person appointed under this Act to be the Executive Officer of a cantonment;
- (xiv) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;
- (xv) "hill cantonment" means any cantonment declared by the Local Government, by notification in the local official Gazette, to be a hill cantonment for the purposes of this Act;
- (xvi) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;
- (xvii) "infectious or contagious disease" means cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza, venereal disease, and any other epidemic, endemic or infectious disease which the Local Government may, by notification in the local official Gazette, declare to be an infectious or contagious disease for the purposes of this Act;
- (xviii) "inhabitant," in relation to a cantonment, or local area, means any person ordinarily residing or carrying on business or owning or occupying immoveable property therein, and in case of a dispute means any person declared by the District Magistrate to be an inhabitant;
- (xix) "intoxicating drug" means opium, ganja, bhang, charas and any preparation or admixture thereof, and includes any other intoxicating substance, or liquid which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare to be an intoxicating drug for the purposes of this Act;
- (xx) "market" includes any place where persons assemble for the purpose of selling meat, fish, fruit, vegetables, live-stock or any other article of food;
- (xxi) "military officer" means—
- (a) a person who, being an officer within the meaning of the Arms Act or the Indian Army Act, 1911, or the Air Force Act, is commissioned and in pay as an officer doing military or air force duty with His Majesty's military or air forces, or is an officer doing such duty in any arm, branch or part of those forces; or
  - (b) a person doing military or air force duty as a warrant officer with either of those forces or with any arm, branch, or part thereof, whether he is or is not an officer within the meaning of the Arms Act or the Indian Army Act, 1911, or the Air Force Act;
- (xxii) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

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- (xxiii) "occupier" includes an owner in occupation of, or otherwise using, his own land or building ;
- (xxiv) "Officer Commanding the District" means the Officer Commanding any one of the districts into which India is for military purposes for the time being divided, or any brigade area which does not form part of any such district, or any area which the Governor General in Council may, by notification in the Gazette of India, declare to be such a district for all or any of the purposes of this Act ;
- (xxv) "ordinary election" means an election held to fill a vacancy in the office of an elected member of a Board arising by efflux of time ;
- (xxvi) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant ;
- (xxvii) "party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons ;
- (xxviii) "private market" means a market which is not maintained by a Cantonment Authority and which is licensed by a Cantonment Authority under the provisions of this Act ;
- (xxix) "private slaughter-house" means a slaughter-house which is not maintained by a Cantonment Authority and which is licensed by a Cantonment Authority under the provisions of this Act ;
- (xxx) "public market" means a market maintained by a Cantonment Authority ;
- (xxxi) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not ;
- (xxxii) "public slaughter-house" means a slaughter-house maintained by a Cantonment Authority ;
- (xxxiii) "shed" means a slight or temporary structure for shade or shelter ;
- (xxxiv) "slaughter-house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption ;
- (xxxv) "soldier" means a person who is a soldier or airman, within the meaning of the Army Act or the Air Force Act, or is subject to the Indian Army Act, 1911, and who is not a military officer ;
- (xxxvi) "spirituous liquor" means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare to be a spirituous liquor for the purposes of this Act ;
- (xxxvii) "street" includes any way, road, lane, square, court, alley, passage or open space in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right-of-way and also the roadway or foot-way over any bridge or causeway ;
- (xxxviii) "vehicle" means a wheeled conveyance of any description which is capable of being used on a street and includes a motor-car, motor lorry, motor-omnibus, cart, locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw ; and

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(*xxxix*) "water-works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-trunks, sluices, mains, pipes, culverts, hydrants, stand-pipes, and conduits and all machinery, lands, buildings, bridges and things, used for, or intended for the purpose of, supplying water to a cantonment.

## CHAPTER II.

### DEFINITION AND DELIMITATION OF CANTONMENTS.

Definition of cantonments.

3. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare any place or places in which any part of His Majesty's regular forces or regular air force is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and with the like sanction, may, by a like notification, declare that any cantonment shall cease to be a cantonment.

(2) The Local Government, with the like sanction, may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

Alteration of limit of cantonment.

4. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare its intention to include within a cantonment any local area situated in the immediate vicinity thereof or to exclude from a cantonment any local area comprised therein.

(2) Any inhabitant of a cantonment or local area in respect of which a notification has been published under sub-section (1) may, within six weeks from the date of the notification, submit in writing to the Local Government through the Officer Commanding-in-Chief, the Command, an objection to the notification, and the Local Government shall take such objection into consideration.

(3) On the expiry of six weeks from the date of the notification, the Local Government may, with the previous sanction of the Governor General in Council, after considering the objections, if any, which have been submitted under sub-section (2), by notification in the local official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

The effect of including area in cantonment.

5. When, by a notification under section 4, any local area is included in a cantonment, such area shall thereupon become subject to this Act and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, regulations, bye-laws, orders and directions issued or made thereunder.

Disposal of cantonment fund when area ceases to be a cantonment.

6. (1) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the Cantonment Authority shall vest in such local authority, and the liabilities of the Cantonment Authority shall be transferred to such local authority.

(2) When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of a local authority, the balance of the cantonment fund and other property vesting in the Cantonment Authority shall vest in His Majesty, and the liabilities of the Cantonment Authority shall be transferred to the Secretary of State in Council.



Disposal of cantonment fund when area ceases to be included in a cantonment.

7. (1) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular Cantonment Authority and is immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the Cantonment Authority, and such portion of the liabilities of the Cantonment Authority, as the Governor General in Council may, by general or special order, direct, shall be transferred to that other local authority.

(2) When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular Cantonment Authority and is not immediately placed under the control of some other local authority, such portion of the cantonment fund and other property vesting in the Cantonment Authority shall vest in His Majesty, and such portion of the liabilities of the Cantonment Authority shall be transferred to the Secretary of State in Council, as the Governor General in Council may, by general or special order, direct.

Application of funds and property transferred under sections 6 and 7.

8. Any cantonment fund or portion of a cantonment fund or other property of a Cantonment Authority vesting in His Majesty under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the Cantonment Authority transferred under such provisions to the Secretary of State in Council, and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

Limitation of operation of Act

9. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, exclude from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment specified in the notification in which there is no Board, apply with such modifications as may be so specified.

### CHAPTER III.

#### CANTONMENT AUTHORITIES AND CANTONMENT BOARDS.

##### *Cantonment Authorities.*

Cantonment Authority and Executive Officer.

10. (1) For every cantonment beyond the limits of a Presidency-town there shall be a Cantonment Authority and an Executive Officer.

(2) Where a cantonment is situated within the limits of a Presidency-town, the functions assigned to any authority by or under this Act shall, subject to the provisions of any other law for the time being in force, be discharged by such authority as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

Governor General in Council to decide whether Cantonment Board shall be constituted.

11. The Governor General in Council may, by notification in the Gazette of India order in respect of any cantonment that a Cantonment Board shall be constituted therein, and may, by a like notification, order that any Board so constituted shall cease to exist.

Incorporation of Cantonment Authority

12. (1) Every Board shall, by the name of the Board of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with the power to acquire and hold property both moveable and immoveable and to contract and shall, by the said name, sue and be sued.

(2) In the case of any cantonment where there is no Board, the Cantonment Authority shall be a corporation sole by the name of the Cantonment Authority of the place by reference to which the cantonment is known, and as such Cantonment Authority shall have perpetual succession and an official seal with power to acquire and hold property both moveable and immoveable and to contract and shall, by the said name, sue and be sued.

Appointment of  
Executive Officer.

**13.** The Executive Officer of every cantonment shall be appointed by the Governor General in Council, or by such person as the Governor General in Council may authorise in this behalf, and, in a cantonment where there is a Board, shall be the Secretary, but shall not be a member, thereof.

Provided that, in the case of any cantonment where there is a Board, the Governor General in Council may direct that the Executive Officer may be appointed by the Board subject to such conditions as the Governor General in Council may impose.

Constitution  
of Cantonment  
Board.

**14.** (1) Every Board shall consist of the following members, namely :—

- (a) the Commanding Officer of the cantonment ;
- (b) a Magistrate of the first class nominated by the District Magistrate ;
- (c) the Health Officer ;
- (d) the Executive Engineer ;
- (e) such military officers not exceeding four in number as may be nominated by the Commanding Officer of the cantonment by order in writing ;

- Provided that the Commanding Officer of the cantonment may, if he thinks fit, with the sanction of the Officer Commanding the District, nominate in place of any military officer whom he is empowered to nominate under this clause any person, whether in the service of the Government or not, who is ordinarily resident in the cantonment or in the vicinity thereof, to represent any interest or community not otherwise represented on the Board ;

- (f) such number of members elected under this Act as is equal to the number of members appointed or nominated by or under clauses (b) to (e) :

Provided that, in the case of any cantonment—

- (a) in which the total civil population is, according to the latest census, less than two thousand five hundred in number, or

- (b) which is situate in the North-West Frontier Province or in the British Baluchistan, the Local Government may, by notification in the local official Gazette, declare that the provisions of clauses (e) and (f) shall not apply and may, with the concurrence of the Officer Commanding-in-Chief, the Command, by a like notification, nominate as members of the Board not more than three persons who are resident in the cantonment or in the vicinity thereof and who either own land or house property in the cantonment or carry on business therein.

(2) Every election, nomination or appointment of a member of a Board and every vacancy in the membership thereof shall be notified by the Local Government in the local official Gazette.

Term of office  
of members

**15.** (1) Save as otherwise provided in this section, the term of office of a member of a Board shall be three years and shall commence from the date of the notification of his election or nomination under sub-section (2) of section 14, or from the date on which the vacancy has occurred in which he is elected or nominated, whichever date is later.

(2) The term of office of an *ex officio* member of a Board shall continue so long as he holds the office in virtue of which he is such a member.

(3) The term of office of a member elected to fill a casual vacancy shall commence from the date of election, and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) An outgoing member shall, unless the Local Government otherwise directs, continue in office until the election or nomination of his successor is notified under sub-section (2) of section 14.

(5) Any outgoing member may, if qualified, be re-elected or re-nominated.

Filling  
vacancies

**16.** (1) Vacancies arising by efflux of time in the office of an elected member of a Board shall be filled by an ordinary election to be held on such date as the Local Government may, by notification in the local official Gazette, direct.

(2) A casual vacancy shall be filled by a casual election the date of which shall be fixed by the Local Government by notification in the local official Gazette, and shall be, as soon as may be, after the occurrence of the vacancy :

Provided that no casual election shall be held to fill a vacancy occurring within three months of any date on which the vacancy will occur by efflux of time, but such vacancy shall be filled at the next ordinary election.

Vacancies  
in special cases

**17.** (1) If from any cause at an ordinary election no member is elected or if the elected member is unwilling to serve on the Board, the outgoing member shall, if qualified and willing to serve, be deemed to have been re-elected.

(2) If in any such case the outgoing member is not qualified or is not willing to serve, or if at a casual election no member is elected, the vacancy shall be filled by nomination by the Local Government with the concurrence of the Officer Commanding-in-Chief, the Command.

(3) The term of office of a member nominated or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

Oath or affirmation

**18.** (1) Every person who is by virtue of his office, or who is nominated or elected to be, a member of a Board shall, before taking his seat, make at a meeting of the Board an oath or affirmation of his allegiance to the Crown in the following form, namely :—

“ I, A. B., having <sup>become</sup> <sup>been elected</sup> <sup>been nominated</sup> a member of this Board, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.”

(2) If any such person fails to make the oath or affirmation within such time as the Local Government considers reasonable the Local Government shall, by notification in the local official Gazette, declare his seat to be vacant.

Resignation

**19.** (1) Any nominated or elected member of a Board who wishes to resign his office may forward his resignation in writing through the President of the Board to the Officer Commanding-in-Chief, the Command, who shall forward it for orders to the Local Government.

(2) If the Local Government accepts the resignation, such acceptance shall be communicated to the Board, and thereupon the seat of the member resigning shall become vacant.

President and  
Vice-President

**20.** (1) The Commanding Officer of the cantonment shall be the President of the Board.

(2) There shall be a Vice-President of every Board elected from among the members at a meeting thereof :

Provided that, where the Board includes elected members, the Vice-President shall be elected by those members only from among their number.

Term of office of  
Vice-President.

21. (1) The term of office of a Vice-President shall be—

(a) in the case of a person who is not in the service of the Government, three years or the residue of his term of office as a member, whichever is less, or

(b) in the case of a person in the service of the Government, the residue of the term of his office as a member.

(2) A Vice-President may resign his office by notice in writing to the President and, on the resignation being accepted by the Board, the office shall become vacant.

## Duties of President

22. (1) It shall be the duty of the President of every Board—

(a) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to regulate the conduct of business thereat;

(b) to exercise supervision and control over the financial and executive administration of the Board;

(c) to perform all the duties and exercise all the powers specifically imposed or conferred on the President by or under this Act; and

(d) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfilment of the purposes of this Act.

(2) The President may, by order in writing, empower the Vice-President to exercise all or any of the powers and duties referred to in clause (c) of sub-section (1) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.

(3) The exercise or discharge of any powers, duties or functions delegated by the President under this section shall be subject to such restrictions, limitations and conditions, if any as may be laid down by the President and to the control of and to revision by, the President.

(4) Every order made under sub-section (2) shall forthwith be communicated to the Board and to the Officer Commanding the District.

## Duties of Vice-President

23. It shall be the duty of the Vice-President of every Board—

(a) in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the President under sub-section (1) of section 22;

(b) during the incapacity or temporary absence of the President or pending his appointment or succession, to perform any other duty and exercise any other power of the President, and

(c) to exercise any power and perform any duty of the President which may be delegated to him under sub-section (2) of section 22

Duties of the  
Executive Officer.

24. The Executive Officer shall perform all the duties imposed upon him by or under this Act, and shall be responsible for the custody of all the records of the Cantonment Authority, and shall arrange for the performance of such duties relative to the proceedings of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him, and shall comply with every requisition of the Cantonment Authority on any matter pertaining to the administration of the cantonment.

Special power  
of the Executive  
Officer.

25. The executive Officer may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Cantonment Authority and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund :

Provided that—

- (a) where there is a Board, he shall not act under this section without the previous sanction of the President or, in his absence, of the Vice-President,
- (b) he shall not act under this section in contravention of any order of the Cantonment Authority prohibiting the execution of any particular work or the doing of any particular act, and
- (c) he shall report forthwith the action taken under this section and the reasons therefor to the Cantonment Authority.

#### *Elections.*

Electoral rolls.

26. (1) Where a Board is to be constituted in any cantonment, otherwise than in accordance with the proviso to subsection (1) of section 14, the Cantonment Authority shall prepare and publish an electoral roll showing the names of persons qualified to vote at elections to the Board. Such roll shall be prepared, revised and finally published in such manner and on such date in each year as the Local Government may by rule prescribe.

(2) Every person whose name appears in the final electoral roll shall, so long as the roll remains in force, be entitled to vote at an election to the Board, and no other person shall be so entitled.

(3) When a cantonment has been divided into wards, or the inhabitants into classes, the electoral roll shall be divided into separate lists for each ward or class, as the case may be.

(4) If a new electoral roll is not published in any year on the date prescribed, the Local Government may direct that the old electoral roll shall continue in operation until the new roll is published.

Qualification of  
electors

27. (1) The following persons shall, if not otherwise disqualified, be entitled to be enrolled as electors, namely :—

- (a) every person who in any year has, on or before such date as may be fixed by the Local Government in this behalf by notification in the local official Gazette (hereinafter in this section referred to as the aforesaid date), been assessed directly and on his own account to taxes under this Act (other than octroi, toll or terminal tax), the aggregate value whereof is not less than such amount as the Local Government may by rule prescribe, and who on the aforesaid date is not in arrears in the payment of any such tax,
- (b) every person who has for a period of not less than twelve months immediately preceding the aforesaid date resided in the cantonment and on the aforesaid date—
  - (i) is the owner or the mortgagee in possession or the lessee of any building or land in the cantonment, of an annual value calculated in such manner and of not less than such amount, as the Local Government may by rule prescribe, or
  - (ii) is carrying on any business in the cantonment from which he derives an annual income calculated in such manner, and of not less than such amount, as the Local Government may by rule prescribe, or

(iii) is a graduate of any University established by law in British India, or

(iv) is a retired or pensioned officer, whether commissioned or non-commissioned, of His Majesty's forces,

(c) every person who has, during a period of not less than twelve months immediately preceding the aforesaid date, resided in the cantonment and has during that period been assessed to income-tax.

(2) A person, notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled as an elector if he on the aforesaid date—

(i) is not a British subject, or

(ii) is less than 21 years of age, or

(iii) has been adjudged by a competent Court to be of unsound mind, or

(iv) is an undischarged insolvent, or

(v) has been sentenced by a Criminal Court to imprisonment for a term exceeding six months or to transportation or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898, or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code:

V of 1898  
XLV of 1860

Provided that the Local Government may, by order in writing, remove any disqualification incurred by a person under clause (v).

(3) If any person having been enrolled as an elector in any electoral roll subsequently becomes subject to any of the disqualifications referred to in clauses (i), (iii), (iv) and (v) of subsection (2), his name shall be removed from the electoral roll unless, in the case referred to in clause (v), the disqualification is removed by the Local Government.

Qualification for  
being a member of  
the Board

28. (1) Save as hereinafter provided, every person, not being a military officer or soldier, whose name is entered on the electoral roll of a cantonment shall be qualified for election as a member of the Board in that cantonment.

(2) No person shall be qualified for election or nomination as a member of a Board if he—

(a) has been dismissed from Government service and is debarred from re-employment therein, or is a dismissed servant of the Cantonment Authority,

(b) is debarred from practising as a legal practitioner by order of any competent authority,

(c) holds any place of profit in the gift or at the disposal of the Board, or is a stipendiary Magistrate or police officer, or is the servant or employer of a member of the Board; or

(d) is interested in a subsisting contract made with, or in work being done for, the Board except as a shareholder (other than a director) in an incorporated company; or

(e) is disqualified under any other provision of this Act:

Provided that—

(i) any of the disqualifications referred to in clauses (a) and (b) may be removed by an order of the Local Government in this behalf and

(ii) a person shall not be deemed to have any interest in such a contract or work as is referred to in clause (d) by reason only of his having a share or interest in—

- (a) any lease or sale or purchase of immoveable property or any agreement for the same, or
- (b) any agreement for the loan of money or any security for the payment of money only, or
- (c) any newspaper in which any advertisement relating to the affairs of the Board is inserted, or
- (d) the sale to the Board of any articles in which he regularly trades or the purchase from the Board of any articles, to a value in either case not exceeding Rs. 1,500 in the aggregate in any year during the period of the contract or work.

Interpretation.

**29.** For the purposes of sections 26, 27 and 28—

- (a) "person" means an individual human being, and
- (b) a person shall be deemed to pay a tax directly if he pays the tax either himself or through a legally appointed agent.

Joint families, etc.

**30.** Notwithstanding anything hereinbefore contained, the Local Government may make rules conferring on the manager or representative of an undivided family or of any company or firm or other association or body or on any trustee of any land a right to be enrolled as an elector or to be nominated as a candidate at elections to a Board.

Power to make rules regulating elections.

**31.** The Local Government may, either generally or specially for any cantonment or group of cantonments, after previous publication, make rules consistent with this Act to regulate all or any of the following matters, for the purpose of the holding of elections under this Act, namely:—

- (a) the division of a cantonment into wards or of the inhabitants of a cantonment into classes, or both,
- (b) the determination of the number of members to be elected by each ward or class of persons,
- (c) the method by which the annual value of buildings and lands shall be calculated for the purposes of section 27,
- (d) the preparation, revision and final publication of electoral rolls,
- (e) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded,
- (f) the authority by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;
- (g) any other matter relating to elections or election disputes in respect of which the Local Government is empowered to make rules under this Chapter, or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Local Government, necessary.

#### Members.

Member not to vote on matter in which he is interested.

**32.** No member of a Board shall vote at a meeting of the Board on any question relating to his own conduct or on any matter other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

Liability  
members.

of 33. Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him, either by the Board or by the Secretary of State for India in Council.

Removal  
members.

of 34. (1) The Local Government may remove from a Board any member thereof who—

- (a) has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board; or
- (b) is an undischarged insolvent; or
- (c) is adjudged by a competent Court to be of unsound mind, or is deaf and dumb or a leper; or
- (d) has been sentenced by a Criminal Court to imprisonment for a term exceeding six months or to transportation, or has been ordered to furnish security for his good behaviour under the Code of Criminal Procedure, 1898, or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal Code; or
- (e) is interested in a subsisting contract made with, or in work being done for, the Board in such a manner as to be disqualified under section 28 for election or nomination as a member; or
- (f) has knowingly contravened the provisions of section 32; or
- (g) being a legal practitioner, acts or appears on behalf of any other person against the Board in any legal proceeding or against the Secretary of State in Council in any such proceeding relating to any matter in which the Board is or has been concerned or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person.

V of 1898

XLV of 1860.

(2) The Local Government may remove from a Board any member who, in the opinion of the Local Government, has so flagrantly abused in any manner his position as a member of the Board as to render his continuance as a member detrimental to the public interests.

(3) No member shall be removed from a Board under this section unless he has been given a reasonable opportunity of showing cause against his removal.

Consequences  
of removal.

35. (1) A member removed under clause (a) of sub-section (1) of section 34 shall, if otherwise qualified, be eligible for re-election or nomination.

(2) A member removed under clause (b) of sub-section (1) of section 34 shall not be eligible for re-election or nomination until he has obtained his discharge.

(3) A member removed under sub-section (2) of section 34 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

(4) A member removed under any other provision of section 34 shall not be eligible for re-election or nomination until he is declared so eligible by the Local Government by notification in the local official Gazette.

#### Servants.

Disqualification  
of person as  
servant of Canton-  
ment Authority.

36. (1) No person who has directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of a Cantonment Authority or in any employment under, by or on behalf of a Cantonment Authority, otherwise than as a servant of the Cantonment Authority, shall become or remain a servant of such Cantonment Authority.



(2) A servant of a Cantonment Authority who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Cantonment Authority or, in any employment under, by or on behalf of, the Cantonment Authority, otherwise than as a servant of the Cantonment Authority, shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

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(3) Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of, a Cantonment Authority if the same is a share in a company contracting with, or employed by, or on behalf of, the Cantonment Authority or is a share or interest acquired or retained with the permission of the Officer Commanding the District in any lease or sale to, or purchase by, the Cantonment Authority of land or buildings or in any agreement for the same.

### *Procedure.*

#### **Meetings.**

**37.** (1) Every Board shall ordinarily hold at least one meeting in every month on such day as may be fixed, and of which notice shall be given in such manner as may be provided, by regulations made by the Board under this Chapter.

(2) The President may, whenever he thinks fit, and shall upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

(3) Any meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner.

#### **Business to be transacted.**

**38.** Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting :

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefor has been sent to each member not less than seven days before that date.

#### **Quorum.**

**39.** (1) The quorum necessary for the transaction of business at a meeting of a Board shall be five or one-half of the number of members of the Board actually holding office at the time, whichever is the greater number.

(2) If a quorum is not present, the President shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

#### **Presiding officer.**

**40.** In the absence of both the President and the Vice-President from any meeting, the members present shall elect one from among their own number to preside.

#### **Minutes.**

**41.** (1) Minutes of the proceedings of each meeting shall be recorded in a book and shall be signed by the President before the close of the meeting, and shall, at such times and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment.

(2) Copies of the minutes shall, as soon as possible after each meeting, be forwarded for information to the Officer Commanding the District, the Officer Commanding the brigade area, and the District Magistrate.

#### **Meetings to be public**

**42.** Every meeting of a Board shall be open to the public unless in any case the President, for reasons to be recorded in the minutes, otherwise directs.

Method  
deciding  
questions.

43. (1) All questions coming before a meeting shall be decided by the majority of the votes of the members present and voting.

(2) In the case of an equality of votes, the President shall have a second or casting vote.

(3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the grounds for such dissent.

Power to make  
regulations.

44. (1) A Board may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely :—

- (a) the time and place of its meetings ;
- (b) the manner in which notice of the meeting shall be given ;
- (c) the conduct of proceedings at meetings and the adjournment of meetings ;
- (d) the custody of the common seal of the Board and the purposes for which it shall be used ; and
- (e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees, and the delegation to such committees, subject to any conditions which the Board thinks fit to impose, of any of the powers or duties of the Board under this Act other than a power to make regulations or bye-laws.

(2) No regulation made under clause (c) of sub-section (1) shall take effect until it has been approved by the Local Government.

(3) No regulation made under this section shall take effect until it has been published in such manner as the Local Government may direct.

Joint action  
with other local  
authority.

45. (1) A Cantonment Authority may—

(a) join with any other local authority—

(i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee ;

(ii) in delegating to such committee power to frame terms binding on the Cantonment Authority and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by either of the said authorities ; and

(iii) in making rules for regulating the proceedings of any such committee relating to the purposes for which it has been appointed ; or

(b) with the previous sanction of the Local Government enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the authorities so contracting may be levied together instead of separately within the limits of the aggregate area comprising the areas subject to the control of the said authorities.

(2) If any difference of opinion arises between any authorities acting together under this section, the decision thereon of the Local Government or of an officer appointed by the Local Government in this behalf shall be final.

(3) When any agreement such as is referred to in clause (4) of sub-section (1) has been entered into, then—

- (a) where the agreement relates to an octroi or terminal tax or toll, the other local authority with which the Cantonment Authority has made such agreement shall have the same powers to establish octroi limits and octroi stations and places for the collection of the terminal tax and terminal toll within the cantonment, as it has within the area ordinarily subject to its control;
- (b) such other local authority shall have the same power of collecting such tax or toll in the cantonment, and the provisions of any enactment in force relating to the levy of such tax or toll by such other local authority shall apply in the same manner as if the cantonment were comprised within the area ordinarily subject to its control; and
- (c) the total of the collection of such tax and toll made in the cantonment and in the area ordinarily subject to the control of such other local authority and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion as may have been determined by the agreement.

#### Control.

Power of Government to require production of documents

46. The Governor General in Council or the Local Government may at any time require a Cantonment Authority—

- (a) to produce any record, correspondence, plan or other document in its possession or under its control;
- (b) to furnish any return, plan, estimate, statement, account or statistics relating to its proceedings, duties or works;
- (c) to furnish or obtain and furnish any report.

Inspection

47. The Officer Commanding the District may depute any person in the service of the Government to inspect or examine any department of the office of, or any service or work undertaken by, or thing belonging to, a Cantonment Authority, and to report thereon, and the Cantonment Authority and its officers and servants shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the Cantonment Authority and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

Powers of Officer Commanding the district.

48. The Officer Commanding the District may, by order in writing,—

- (a) call for any book or document in the possession or under the control of the Cantonment Authority;
- (b) require the Cantonment Authority to furnish such statements, accounts, reports and copies of documents relating to its proceedings, duties or works as he thinks fit.

Power to require execution of work, etc.

49. If, on receipt of any information or report obtained under section 47 or section 48, the Officer Commanding the District is of opinion—

- (a) that any duty imposed on a Cantonment Authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or
- (b) that adequate financial provision has not been made for the performance of any such duty;

he may, with the concurrence of the Officer Commanding-in-Chief, the Command, and of the Local Government direct the Cantonment Authority, within such period as he thinks fit, to make arrangements to his satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to his satisfaction for the performance of the duty:

Provided that, unless in the opinion of the Officer Commanding the District, the immediate execution of such order is necessary, he shall, before making any direction under this section, give the Cantonment Authority an opportunity of showing cause why such direction should not be made.

Power to provide for enforcement of direction under section 49.

50. If, within the period fixed by a direction made under section 49, any action the taking of which has been directed under that section has not been duly taken, the Officer Commanding the District may make arrangements for the taking of such action, and may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

Power to override decision of Board.

51. (1) If the President dissents from any decision of the Board, which he considers prejudicial to the health, welfare or discipline of the troops in the cantonment, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and, if he does so, shall forthwith refer the matter to the Officer Commanding-in-Chief, the Command, through the Officer Commanding the District, who may make such recommendations thereon as he thinks fit.

(2) If the District Magistrate considers any decision of a Cantonment Authority to be prejudicial to the public health, safety or convenience, he may, after giving notice in writing of his intention to the Cantonment Authority, refer the matter to the Local Government; and, pending the disposal of the reference to the Local Government, no action shall be taken on the decision.

(3) If any Magistrate who is a member of a Board, being present at a meeting, dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the President shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to allow of a communication being made to the District Magistrate and of his taking proceedings as provided by sub-section (2).

Power of Officer Commanding-in-Chief, the Command, on reference under section 51 or otherwise

52. (1) The Officer Commanding-in-Chief, the Command, may at any time on a recommendation made to him in this behalf by the Officer Commanding the District—

(a) direct that any matter or any specific proposal other than one which has been referred to the Local Government under sub-section (2) of section 51 be considered or re-considered by the Cantonment Authority; or

(b) direct the suspension, for such period as may be stated in the order, of action on any decision of a Cantonment Authority, other than a decision which has been referred to him under sub-section (1) of section 51, and thereafter cancel the suspension or direct that the decision shall not be carried into effect or that it shall be carried into effect with such modifications as he may specify.

(2) When any decision of a Board has been referred to him under sub-section (1) of section 51, the Officer Commanding-in-Chief, the Command, may, by order in writing,—

(a) cancel the order given by the President directing the suspension of action; or

(b) extend the duration of the order for such period as he thinks fit; or

(c) direct that the decision be carried into effect by the Board with such modifications as he may specify.

Powers of Local Government on a reference made under section 51.

**53.** When any decision of a Cantonment Authority has been referred to the Local Government under sub-section (2) of section 51, the Local Government may, after consulting the Officer Commanding-in-Chief, the Command, by order in writing,—

- (a) direct that no action be taken on the decision ; or
- (b) direct that the decision be carried into effect either without modification or with such modifications as it may specify.

Supersession of Board.

**54.** (1) If, in the opinion of the Local Government, any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Local Government may, with previous sanction of the Governor General in Council, by an order published, together with the statement of the reasons therefor, in the local official Gazette, declare the Board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for such period as may be specified in the order :

Provided that no Board shall be superseded unless a reasonable opportunity has been given to it to show cause against the supersession.

(2) When a Board is superseded by an order under sub-section (1)—

- (a) all members of the Board shall, on such date as may be specified in the order, vacate their offices as such members but without prejudice to their eligibility for election or nomination under clause (c) ;
- (b) during the supersession of the Board, all powers and duties conferred and imposed upon the Board by or under this Act or otherwise by law shall be exercised and performed by the Commanding Officer of the cantonment subject to such reservation, if any, as the Local Government may prescribe in this behalf ; and
- (c) before the expiry of the period of supersession elections shall be held and nominations made for the purpose of reconstituting the Board.

#### *Validity of Proceedings.*

Validity of proceedings, etc

**55.** (1) No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.

(2) No disqualification or defect in the election, nomination or appointment of a person acting as the President or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or committee if the majority of the persons present at the time of the act being done or the proceeding being taken were duly qualified members thereof.

(3) Any document or minutes which purport to be the record of the proceedings of a Board or of any committee of a Board shall, if made and signed substantially in the manner prescribed for the making and signing of the record of such proceedings, be presumed to be a correct record of the proceedings of a duly convened meeting, held by a duly constituted Board or committee, as the case may be, whereof all the members were duly qualified.

### CHAPTER IV.

#### SPIRITUOUS LIQUORS AND INTOXICATING DRUGS.

Unauthorised sale of spirituous liquor or intoxicating drug.

**56.** If within a cantonment, or within such limits adjoining a cantonment as the Local Government may, by notification in the local official Gazette, define, any person not, subject to military or air force law or any person subject to military or air force law otherwise than as a military officer or a soldier knowingly barter, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or follower or soldier's wife or minor child without the written permission of the Commanding

Officer of the cantonment or of some person authorised by the Commanding Officer of the cantonment to grant such permission, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Unauthorised possession of spirituous liquor.

57. If within a cantonment, or within any limits defined under section 56,—

(a) any person subject to military or air-force law otherwise than as a military officer or a soldier, or

(b) the wife or servant of any such person or of a soldier,

has in his or her possession, except on behalf of the Government or for the private use of a military officer, more than one quart of any spirituous liquor, other than fermented malt-liquor, without the written permission of the Commanding Officer of the cantonment or of some person authorised by the Commanding Officer of the cantonment to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to fifty rupees, and, in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees.

Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections

58. (1) Any police officer or excise officer may, without an order from a Magistrate and without a warrant, arrest any person whom he finds committing an offence under section 56 or section 57, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.

(2) Where a person accused of an offence under section 56 has been previously convicted of an offence under that section, an officer in charge of a police-station may, with the written permission of a Magistrate, seize and detain any spirituous liquor or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged commission of the subsequent offence, belonged to, or was in the possession of, such person.

(3) The Court convicting a person of an offence under section 56 or section 57 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of Chapter XLIII of the Code of Criminal Procedure, 1898, anything seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whom it was taken.

V of 1898.

Saving of articles sold or supplied for medicinal purposes.

59. The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorised in this behalf by a general or special order of the Commanding Officer of the cantonment.

## CHAPTER V.

### TAXATION.

#### *Imposition of Taxation.*

General power of taxation.

60. The Local Government may, by notification in the local official Gazette, impose in any cantonment any tax which, under any enactment in force on the date of the notification, may be imposed in any municipality within the province.

Framing of preliminary proposals.

**61.** (1) When the Local Government proposes to impose any tax under section 60, it shall, by notification in the local official Gazette, and in such other manner as is in its opinion best suited for the purpose, give notice of its intention.

(2) Every notification issued under sub-section (1) shall specify—

- (a) the tax which it is proposed to impose ;
- (b) the persons or classes of persons to be made liable and the description of the property or other taxable thing or circumstance in respect of which they are to be made liable ; and
- (c) the rate at which the tax is to be levied.

Objections.

**62.** Any inhabitant of the cantonment may, within thirty days from the date of the notification under section 61, submit to the Local Government an objection in writing to all or any of the proposals framed therein, and the Local Government shall take any objection so submitted into consideration.

Consideration of objections and imposition of tax

**63.** After the expiry of thirty days from the date of the notification and after considering all objections submitted thereto under section 62, the Local Government may impose the tax either in the original form or, if any such objection has been so submitted, in that form or in such modified form as it thinks fit.

Definition of "annual value"

**64.** For the purposes of this Chapter, "annual value" means—

- (a) in the case of railway stations, hotels, colleges, schools, hospitals, factories and any other buildings which a Cantonment Authority decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto, and
- (b) in the case of a building or land not assessed under clause (a), the gross annual rent for which such building (exclusive of furniture or machinery therein) or such land is actually let or, where the building or land is not let or in the opinion of the Cantonment Authority is let for a sum less than its fair letting value, might reasonably be expected to let from year to year :

Provided that, where the annual value of any building is, by reason of exceptional circumstances, in the opinion of the Cantonment Authority, excessive if calculated in the aforesaid manner, the Cantonment Authority may fix the annual value at any less amount which appears to it to be just.

Incidence of taxation

**65.** (1) Save as otherwise expressly provided in the notification imposing the tax, every tax on the annual value of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or lands or holds them on a building or other lease from the Secretary of State in Council or from the Cantonment Authority or on a building lease from any person.

(2) In any other case, the tax shall be primarily leviable as follows, namely :—

- (a) if the property is let, upon the lessor ;
- (b) if the property is sub-let, upon the superior lessor ;
- (c) if the property is unlet, upon the person in whom the right to let the same vests.

(3) On failure to recover any sum due on account of such tax from the person primarily liable, there may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(4) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

#### *Assessment List.*

Assessment list.

66. When a tax on the annual value of buildings or lands or both is imposed, the Cantonment Authority shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared in such form as the Local Government may by rule prescribe.

Publication of assessment list.

67. When the assessment list has been prepared, the Cantonment Authority shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

Revision of assessment list.

68. (1) The Cantonment Authority shall, at the same time, give public notice of a date, not less than one month thereafter, when it will proceed to consider the valuations and assessments entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased, it shall also give written notice thereof to the owner and to any lessee or occupier of the property.

(2) Any objection to a valuation or assessment shall be made in writing to the Cantonment Authority before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Cantonment Authority.

(3) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorised agent, by an Assessment Committee appointed by the Cantonment Authority.

(4) The Assessment Committee shall consist of not less than three persons, and, where there is a Board, it shall not be necessary to appoint to the Assessment Committee any member thereof.

Authentication of assessment list.

69. (1) When all objections made under section 68 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the members of the Assessment Committee who shall, at the same time, certify that they have considered all objections duly made and have amended the list so far as is required by their decisions on such objections.

(2) The assessment list so authenticated shall be deposited in the office of the Cantonment Authority, and shall there be open, free of charge, during office hours to all owners, lessees and occupiers of property comprised therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.



Evidential value  
of assessment list.

**70.** Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 69 shall be accepted as conclusive evidence—

- (i) for the purpose of assessing any tax imposed under this Act, of the annual value or other valuation of all buildings and lands to which such entries respectively refer, and
- (ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

Amendment of  
assessment list.

**71.** (1) The Cantonment Authority may, at any time, amend the assessment list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Cantonment Authority or of the Assessment Committee or of the assessee, or, in the case of a tax payable by an occupier, by a change in the tenancy, after giving notice to any person affected by the amendment of a time not less than one month from the date of service, at which the amendment is to be made :

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the financial year in which the amendment is made.

(2) Any person interested in any such amendment may tender an objection to the Cantonment Authority in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent.

Preparation of  
new assessment  
list.

**72.** The Cantonment Authority shall prepare a new assessment list at least once in every three years, and for this purpose the provisions of sections 66 to 71 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

Notice of trans-  
fers.

**73.** (1) Whenever the title of any person primarily liable for the payment of a tax on the annual value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the Executive Officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Executive Officer within six months from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the Executive Officer may direct, and the transferee or other person on whom the title devolves shall, if so required, be bound to produce before the Executive Officer any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Executive Officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Cantonment Authority, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

Notice of erec-  
tion of buildings.

**74.** (1) If any building is erected or re-erected within the meaning of section 179, the owner shall give notice thereof to the Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

(2) Any person failing to give the notice required by subsection (1) shall be punishable with fine which may extend to fifty rupees or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

#### *Remission and Refund.*

Demolition, etc.,  
of buildings.

75. If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Cantonment Authority may, on the application of the owner, remit or refund such portion of the tax payable thereon as it thinks fit.

Remission of  
tax.

76. In a cantonment other than a hill cantonment, when any building or land has remained vacant and unproductive of rent for ninety or more consecutive days during any year, the Cantonment Authority shall remit or refund, as the case may be, such portion of the tax payable thereon in respect of that year as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent.

Power to re-  
quire entry in  
assessment list of  
details of build-  
ing

77. For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Cantonment Authority, at the time of the assessment of the building, to enter in the assessment list, in addition to the annual value of the whole building, a note recording in detail the annual value of each separate tenement. When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for ninety or more consecutive days during any year, such portion of the tax payable in respect of that year on the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed:

Provided that no such remission shall be made unless notice in writing of the circumstances in which it is claimed has been given to the Cantonment Authority, and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

What build-  
ings, etc., are to  
be deemed vacant.

78. (1) For the purposes of sections 76 and 77 no building tenement or land shall be deemed vacant if maintained as a pleasure resort or town or country house, or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in the actual occupation or not.

(2) The burden of proving all facts entitling any person to claim relief under section 75, or section 76, or section 77, shall be upon him.

Notice to be  
given of every  
vacant building  
or house

79. (1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 76 or section 77 shall give notice of the re-occupation of such building or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by subsection (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to fifty rupees, or to ten times the amount of the said tax, whichever sum is greater.

#### *Charge on immovable Property.*

Tax on build-  
ings and land to  
be a charge  
thereon.

80. A tax assessed on the annual value of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the building or land.

*Octroi, Terminal Tax and Toll.*

Inspection of  
imported goods,  
etc.

**81.** Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable, shall, when so required by an officer duly authorised by the Cantonment Authority in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable—

- (a) permit that officer to inspect, examine or weigh such goods, vehicles or animals; and
- (b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

Evasion of oc-  
troi or terminal  
tax.

**82.** (1) Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for the collection of octroi, terminal tax or toll any goods, vehicles or animals, on account of which octroi, terminal tax or toll is leviable and thereby evades, or attempts to evade, the payment of such octroi, terminal tax or toll, and any person who abets any such evasion or attempt at evasion, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or toll, or to fifty rupees, whichever is greater, and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.

(2) In case of non-payment of any octroi or terminal tax or toll on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll is chargeable or any part or number thereof which is of sufficient value to satisfy the demand.

(3) The Cantonment Authority, after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizure, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and any expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid:

Provided that the Executive Officer may, in any case, order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept save at a cost which, together with the amount of octroi, terminal tax or toll is likely to exceed its value, shall be sold after the lapse of such shorter time as he may, having regard to the nature of the article, think proper.

(4) If at any time before the sale has begun, the person whose property has been seized tenders to the Executive Officer the amount of all expenses incurred and of the octroi, terminal tax or toll, the Executive Officer shall release the property seized.

(5) The surplus, if any, of the sale-proceeds shall be credited to the cantonment fund, and shall, on application made to the Cantonment Authority within one year after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall be the property of the Cantonment Authority.

Lessee of octroi,  
terminal tax or  
toll

**83.** It shall be lawful for the Cantonment Authority, with the previous sanction of the Officer Commanding the District, to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi, terminal tax or toll shall, in respect thereof,—

- (a) be bound by any orders made by the Cantonment Authority for their guidance;
- (b) have such powers exercisable by officers or servants of the Cantonment Authority under this Act as the Cantonment Authority may confer upon them; and

- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the Cantonment Authority for the management and collection of the octroi, terminal tax or toll, as the case may be :

Provided that no article distrained may be sold except under the orders of the Cantonment Authority.

#### *Appeals.*

Appeals against assessment.

84. (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Magistrate or to such other officer as may be empowered by the Local Government in this behalf :

Provided that, where there is a Board and the person to whom the appeal would ordinarily lie is, or was when the tax was imposed, a member of the Board, the appeal shall lie to the Commissioner of the Division, or, in a province where there are no Commissioners, to the District Judge.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of the appellant, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the High Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Order XLVI of the First Schedule to the Code of Civil Procedure, 1908.

V of 1908.

Costs of appeal.

85. In every appeal the costs shall be in the discretion of the officer hearing the appeal.

Recovery of costs from Cantonment Authority.

86. If the Cantonment Authority fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

Conditions of right to appeal.

87. No appeal shall be heard or determined under this Chapter unless—

- (a) the appeal is, in the case of a tax assessed on the annual value of buildings or lands, or both, brought within thirty days next after the date of the authentication of the assessment list under section 69 (exclusive of the time requisite for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 71, and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof :

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the Court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period ;

- (b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Cantonment Authority.

Finality of appellate orders.

88. The order of an appellate authority confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final :

Provided that it shall be lawful for the appellate authority, upon application or on its own motion, to review any order passed by it in appeal if application in this behalf is made within three months from the date of the original order.

*Payment and Recovery of Taxes.*

Time and manner of payment of taxes.

**88.** Save as otherwise expressly provided under this Act any tax imposed under the provisions of this Act shall be payable on such dates and in such instalments, if any, as the Cantonment Authority may, by public notice, direct.

Presentation of bill.

**89.** (1) When any tax has become due, the Executive Officer shall cause to be presented to the person liable for the payment thereof a bill for the amount due.

(2) Every such bill shall specify the particulars of the tax and the period for which the charge is made.

Notice of demand.

**91.** (1) If the amount of the tax for which any bill has been presented is not paid to the Cantonment Authority within thirty days from the presentation thereof, the Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule I.

(2) For every notice of demand which the Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding one rupee, as shall in each case be fixed by the Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

Recovery of tax.

**92.** (1) If the person liable for the payment of any tax does not, within thirty days from the service of the notice of demand, pay the amount due, or show sufficient cause for non-payment of the same to the satisfaction of the Executive Officer, such sum, with all costs of recovery, may be recovered under a warrant, issued in the form set forth in Schedule II, by distress and sale of the moveable property of the defaulter:

Provided that the Executive Officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter.

(2) Every warrant issued under this section shall be signed by the Executive Officer.

Distress

**93.** (1) It shall be lawful for any servant of the Cantonment Authority to whom a warrant issued under section 92 is addressed to distrain, wherever it may be found, any moveable property of the person therein named as defaulter, subject to the following conditions, exceptions, and exemptions, namely:—

(a) the following property shall not be distrained:—

- (i) the necessary wearing apparel and bedding of the defaulter, his wife and children,
- (ii) tools of artisans,
- (iii) books of account, or
- (iv) when the defaulter is an agriculturist his implements of husbandry, seedgrain, and such cattle as as may be necessary to enable the defaulter to earn his livelihood;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Executive Officer, should not have been distrained it shall forthwith be returned.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

Disposal of dis-  
trained property.

**94.** (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under subsection (2) of section 93, be sold by public auction by order of the Executive Officer.

(3) The surplus of the sale-proceeds, if any, shall forthwith be credited to the cantonment fund, and notice of such credit shall be given at the same time to the person from whose possession the property was taken, and, if the same is claimed by written application to the Cantonment Authority within one year from the date of the notice, a refund thereof shall be made to such person. Any surplus not claimed within one year as aforesaid shall be the property of the Cantonment Authority.

(4) For every distraint made under this Chapter a fee of such amount, not exceeding one rupee, as shall in each case be fixed by the Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

Recovery, from  
a person about to  
leave cantonment

**95.** (1) If the Executive Officer has reason to believe that any person from whom any sum is due on account of any tax is about to remove from the cantonment, he may direct the immediate payment by such person of the sum so due or about to become due, and cause a bill for the same to be served on such person.

(2) If, on the service of such bill, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress and sale in the manner hereinbefore provided in this Chapter, except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without any delay.

Power to in-  
stitute suit for  
recovery.

**96.** Instead of proceeding against a defaulter by distress and sale as hereinbefore provided in this Chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

#### *Special Provisions relating to Taxation.*

Power to pro-  
hibit or exempt  
from taxation.

**97.** Every Cantonment Authority shall be deemed to be a Municipal Committee for the purposes of the Municipal Taxation Act, 1881.

VI of

Power to make  
special provision  
for conservancy in  
certain cases.

**98.** A Cantonment Authority may make special provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for the payment of the conservancy or scavenging tax in respect of such factory, hotel, club or group of buildings or lands:

Provided that, in fixing the amount, proper regard shall be had to the probable costs to the Cantonment Authority of the services to be rendered.

Exemption in  
the case of build-  
ings.

**99.** (1) When, in pursuance of section 98, a Cantonment Authority has fixed a special rate for the cleansing of any factory, hotel, club or group of buildings or lands, such premises shall be exempted from the payment of any conservancy or scavenging tax imposed in the cantonment.

(2) The following buildings and lands shall be exempt from any tax on property, namely :—

- (a) places set apart for public worship and either actually so used or used for no other purpose ;
- (b) buildings used for educational purposes and public libraries, play-grounds and dharmshalas which are open to the public and from which no income is derived ;
- (c) hospitals and dispensaries maintained wholly by charitable contributions ;
- (d) burning and burial grounds, not being the property of Government or a Cantonment Authority, which are controlled under the provisions of this Act ;
- (e) buildings or lands vested in a Cantonment Authority ; and
- (f) any buildings or lands, used or acquired for the public service or for any public purpose, which are the property of, or in the occupation of, the Government.

Exemption of  
poor persons.

**100.** A Cantonment Authority may exempt, for a period not exceeding one year at a time from the payment of any tax or any portion of a tax imposed under this Act, any person who is in its opinion by reason of poverty unable to pay the same.

Composition.

**101.** (1) A Cantonment Authority may, with the previous sanction of the Officer Commanding the District, allow any person to compound for any tax.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recoverable as if it were a tax.

Irrecoverable  
debts.

**102.** A Cantonment Authority may write-off any sum due on account of any tax or of the costs of recovering any tax if such sum is, in its opinion, irrecoverable.

Obligation to  
disclose liability

**103.** (1) The Executive Officer may, by written notice, call upon any inhabitant of the cantonment to furnish such information as may be necessary for the purpose of ascertaining—

- (a) whether such inhabitant is liable to pay any tax imposed under this Act ;
- (b) at what amount he should be assessed ; or
- (c) the annual value of the building or land which he occupies and the name and address of the owner or lessee thereof.

(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees.

Immaterial  
error not to effect  
liability.

**104.** No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and the rules and by-laws made thereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such mistake shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Distraint not to  
be invalid by  
reason of immate-  
rial defect

**105.** No distress levied under this Chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account only of any defect of form in the notice of demand, warrant of distress or other proceeding relating thereto; nor shall any such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

## CHAPTER VI.

## CANTONMENT FUND AND PROPERTY.

*Cantonment Fund.*Cantonment  
fund

**106.** There shall be formed for every cantonment a cantonment fund, and there shall be placed to the credit thereof the following sums, namely:—

(a) the balance, if any, of the cantonment fund formed for the cantonment under the Cantonments Act, 1910;

XV of 1910.

(b) all sums received by or on behalf of the Cantonment Authority, and

(c) subject to any deductions made under section 545 of the Code of Criminal Procedure, 1898, or under any other law for the time being in force, or under any order of the Local Government, all fines recovered from persons convicted of offences committed within the cantonment—

V of 1898

(i) under this Act or any rule or bye-law made thereunder, or

(ii) under section 34 of the Police Act, 1861, or under any corresponding enactment for the time being in force, or

V of 1861.

(iii) under Chapter XIII or Chapter XIV of the Indian Penal Code, or

XLV of 1860

(iv) under section 156 of the Army Act, or

(v) under the provisions of any enactment wherein or whereunder provision is made for a fine being credited to the cantonment fund, or

44 and 45,  
Vict., c 58

(vi) under any other enactment for the time being in force in respect of which the Governor General in Council may, by general or special order, direct that fines realised thereunder shall be credited to the cantonment fund.

Custody of can-  
tonment fund.

**107.** (1) Where in or near a cantonment there is a Government treasury or sub-treasury, or a branch of the Imperial Bank of India, the cantonment fund shall be kept in such treasury, sub-treasury or bank, as the case may be.

(2) Where there is no such treasury, sub-treasury or bank, the cantonment fund may be deposited with any bank to which the Government treasury business has been entrusted, and, in the absence of such a bank, with any banker or person acting as a banker who has given such security for the safe custody of the fund and the payment on demand of the funds so deposited as the Local Government may in each case direct.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), a Cantonment Authority may, with the previous sanction of the Local Government, place in fixed deposit with the Imperial Bank of India any surplus funds in its hands which may not be required for immediate use, or may invest the same in securities of the Government of India or a Local Government or in such other securities as the Local Government may approve in this behalf, and may vary such investments for others of a like nature, and may dispose of such securities as may be necessary.

(4) The income resulting from any fixed deposit or from any such security as is referred to in sub-section (3) or from the proceeds of the sale of any such security shall be credited to the cantonment fund.

*Property.*

Property.

**108.** Subject to any special reservation made by the Governor General in Council or the Local Government, all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a



Cantonment Authority shall vest in and belong to that Cantonment Authority, and shall be under its direction, management and control, that is to say,—

- (a) all markets, slaughter-houses, manure and nightsoil depôts, and buildings of every description ;
- (b) all water-works for the supply, storage or distribution of water for public purposes, and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto ;
- (c) all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto ;
- (d) all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals collected by the Cantonment Authority from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the Cantonment Authority for such purpose ;
- (e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto ;
- (f) all land or other property transferred to the Cantonment Authority by His Majesty, or by gift, purchase or otherwise for local public purposes ; and
- (g) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

Application of  
cantonment fund  
and property

**109.** The cantonment fund and all property vested in a Cantonment Authority shall be applied for the purposes, whether express or implied, for which, by or under this Act or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the Cantonment Authority :

Provided that the Cantonment Authority shall not incur any expenditure for acquiring or renting land beyond the limits of the cantonment or for constructing any work beyond such limits except—

- (a) with the sanction of the Local Government, and
- (b) on such terms and conditions as the Local Government may impose :

Provided further, that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a Cantonment Authority, that is to say,—

- (a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Cantonment Authority ;
- (b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loans Act, 1914 ;
- (c) to the payment of establishment charges ;
- (d) to the payment of such expenses on account of pauper lunatics sent from the cantonment to public lunatic asylums and mental hospitals as the Local Government directs the Cantonment Authority to pay ; and
- (e) to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or bye-law made thereunder.

IX of 1914.

Acquisition of  
immoveable prop-  
erty

**110.** When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a Cantonment Authority for the purposes of this Act, the Local Government may, at the request of the Cantonment Authority, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and, on payment by the Cantonment Authority of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Cantonment Authority.

I of 1894.

Power to make rules regarding cantonment fund and property.

**111.** The Governor General in Council may make rules consistent with this Act to provide for all or any of the following matters :—

- (a) the conditions on which property may be acquired by Cantonment Authorities or on which property vested in a Cantonment Authority may be transferred by sale, mortgage, lease, exchange or otherwise; and
- (b) any other matter relating to the cantonment fund or cantonment property in respect of which no provision or insufficient provision is made by or under this Act, and provision is, in the opinion of the Governor General in Council, necessary.

## CHAPTER VII.

### CONTRACTS.

Contracts by whom to be executed.

**112.** Subject to the provisions of this Chapter, every Cantonment Authority shall be competent to enter into and perform any contract necessary for the purposes of this Act.

Sanction

**113.** (1) Every contract—

- (a) for which budget provision does not exist, or
- (b) which involves a value or amount exceeding one hundred rupees,

shall require the sanction of the Cantonment Authority.

(2) Every contract other than a contract such as is referred to in sub-section (1) shall be sanctioned by the Cantonment Authority or by the Executive Officer on behalf of the Cantonment Authority.

Execution contract

**114.** (1) Every contract made by or on behalf of a Cantonment Authority, the value or amount of which exceeds fifty rupees, shall be in writing, and every such contract shall, where there is a Board, be signed by two members of whom the President or the Vice-President shall be one, and be countersigned by the Executive Officer and be sealed with the common seal of the Board, or, where there is no Board, be signed by the Commanding Officer of the cantonment and be sealed with the official seal of the Cantonment Authority :

Provided that, where there is a Board, the Executive Officer may in a case of urgency, with the previous sanction of the President of the Board, execute on behalf of the Board any contract the value or amount of which does not exceed two hundred rupees.

(2) Where an Executive Officer executes a contract on behalf of a Board under sub-section (1), he shall submit a report of his action and of the reasons therefor to the Board at its next meeting.

Contracts improperly executed not to be binding on a Cantonment authority.

**115.** If any contract is executed by or on behalf of a Cantonment Authority otherwise than in conformity with the provisions of this Chapter, it shall not be binding on the Cantonment Authority.

## CHAPTER VIII.

### DUTIES AND DISCRETIONARY FUNCTIONS OF CANTONMENT AUTHORITIES.

Duties of Cantonment Authority

**116.** It shall be the duty of every Cantonment Authority, so far as the funds at its disposal permit, to make reasonable provision within the cantonment for—

- (a) lighting streets and other public places ;
- (b) watering streets and other public places ;

- (c) cleansing streets, public places and drains, abating nuisances and removing noxious vegetation ;
- (d) regulating offensive, dangerous or obnoxious trades, callings and practices ;
- (e) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets and other public places ;
- (f) securing or removing dangerous buildings and places ;
- (g) acquiring, maintaining, changing and regulating places for the disposal of the dead ;
- (h) constructing, altering and maintaining streets, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works ;
- (i) planting and maintaining trees on road-sides and other public places ;
- (j) providing or arranging for a sufficient supply of pure and wholesome water, where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used ;
- (k) registering births and deaths ;
- (l) establishing and maintaining a system of public vaccination ;
- (m) establishing and maintaining or supporting, public hospitals and dispensaries, and providing public medical relief ;
- (n) establishing and maintaining primary schools ;
- (o) rendering assistance in extinguishing fires, and protecting life and property when fires occur ;
- (p) maintaining and developing the value of property vested in, or entrusted to the management of, the Cantonment Authority ; and
- (q) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

Discretionary  
functions of Cantonment  
Authority

**117.** A Cantonment Authority may, within the cantonment, make provision for—

- (a) laying out in areas, whether previously built upon or not, new streets, and acquiring land for that purpose and for the construction of buildings, and compounds of buildings, to abut on such streets ;
- (b) constructing, establishing or maintaining public parks, gardens, offices, dairies, bathing or washing places, drinking fountains, tanks, wells and other works of public utility ;
- (c) reclaiming unhealthy localities ;
- (d) furthering educational objects by measures other than the establishment and maintenance of primary schools ;
- (e) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics ;
- (f) making a survey ;
- (g) giving relief on the occurrence of local epidemics by the establishment or maintenance of relief works or otherwise ;

- (h) securing or assisting to secure suitable places for the carrying on of any offensive, dangerous or obnoxious trade, calling or occupation ;
- (i) establishing and maintaining a farm or other place for the disposal of sewage ;
- (j) constructing, subsidising or guaranteeing tramways or other means of locomotion, and electric lighting or electric power works ;
- (k) adopting any measure, other than a measure specified in section 116 or in the foregoing provisions of this section, likely to promote the safety, health or convenience of the inhabitants of the cantonment ; or
- (l) the doing of anything on which expenditure is declared by the Local Government, or by the Cantonment Authority, with the sanction of the Local Government, to be an appropriate charge on the cantonment fund.

## CHAPTER IX.

### PUBLIC SAFETY AND SUPPRESSION OF NUISANCES.

#### *General Nuisances.*

Penalty for  
causing nuisance.

#### 118. (1) Whoever—

- (a) in any street or other public place within a cantonment,—
  - (i) is drunk and disorderly or drunk and incapable of taking care of himself ; or
  - (ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner, with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned ;
  - (iii) exposes himself, or wilfully or indecently exposes his person ; or
  - (iv) loiters, or begs importunately for alms ; or
  - (v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound ;
  - (vi) carries meat exposed to public view ; or
  - (vii) is found gaming ; or
  - (viii) pickets animals, or collects carts ; or
  - (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, wilfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place ; or
  - (x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document ; or
  - (xi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing ; or
  - (xii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act ; or

- (xiii) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with, the pavement, gutter, stormwater-drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the Cantonment authority in any such street or public place, or extinguishes a public light; or
- (xiv) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers by or to persons dwelling in the neighbourhood; or
- (xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the Cantonment Authority by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the Cantonment Authority, or fails to close such cart or receptacle when in use; or
- (b) carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the Cantonment Authority by public notice; or
- (c) deposits, or causes or permits to be deposited earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the Cantonment Authority; or
- (d) having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death; or
- (e) makes any grave or buries or burns any corpse in any place not set apart for such purpose; or
- (f) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house; or
- (g) at any time or place at which the same has been prohibited by the Cantonment Authority by public or special notice, beats a drum or tom-tom, or blows a horn, or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music; or
- (h) disturbs the public peace or order by singing, screaming or shouting; or
- (i) lets loose any animal so as to cause, or negligently allows any animal to cause, injury, danger, alarm or annoyance to any person; or
- (j) being the occupier of any building or land in, or upon which an animal dies neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—
  - (i) to report the occurrence to the Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcase by the public conservancy establishment, or
  - (ii) to remove and dispose of the carcase in accordance with any general directions given by the Cantonment Authority by public notice or any special directions given by the Executive Officer on receipt of such report as aforesaid; or

(k) save with the written permission of the Cantonment Authority and in such manner as it may authorise, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell; or

(l) uses or permits to be used as a latrine any place not intended for that purpose;

shall be punishable with fine which may extend to fifty rupees.

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years being in his charge from easing himself in any street or other public place within the cantonment shall be punishable with fine which may extend to twenty-five rupees.

(3) The owner or keeper of any animal found picketed or straying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to twenty rupees.

(4) Any animal found picketed as aforesaid may be removed by any officer or servant of the Cantonment Authority or by any police officer to a pound as if the animal had been found straying.

#### *Dogs.*

Registration  
and control of  
dogs.

**119.** (1) A Cantonment Authority may make bye-laws to provide for the registration of all dogs kept within the cantonment.

(2) Such bye-laws shall—

(a) require the registration, by the Officer Commanding each military unit, of all dogs kept in the lines occupied by that unit;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week;

and may provide for such other matters as the Cantonment Authority thinks fit.

(3) A Cantonment Authority may—

(a) cause to be destroyed, or to be confined for such period as that Authority may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(5) Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any

street without being muzzled and without being secured by a chain lead in any case in which—

- (a) he knows that the dog is likely to annoy or intimidate any person, or
- (b) the Cantonment Authority has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads,

shall be punishable with fine which may extend to one hundred rupees.

(6) Whoever in a cantonment —

- (a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or
- (b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or
- (c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Executive Officer or gives information which is false,

shall be punishable with fine which may extend to two hundred rupees.

#### *Traffic.*

Rule of the road.

**121.** Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity,—

- (a) to keep to the left when passing a vehicle coming from the opposite direction, or
- (b) to keep to the right when passing a vehicle going in the same direction as himself,

shall be punishable with fine which may extend to fifty rupees.

#### *Prevention of Fire, etc.*

Use of inflammable materials for building purposes

**121.** (1) A Cantonment Authority may, by public notice direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the Cantonment Authority, be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

(2) A Cantonment Authority may, by notice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was made with the consent of the Cantonment Authority or before the issue of such public notice:

Provided that, in the case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Cantonment Authority, that authority shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

Stacking or collecting inflammable materials.

**122.** A Cantonment Authority may, by public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the cantonment, or within any limits therein, which may be specified in the notice.

Care of naked lights.

**123.** No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use, subject to the permission in writing of the Cantonment Authority, of lights for purposes of illumination on the occasion of a festival or public or private entertainment.

Regulation of cinematographic and dramatic performances.

**124.** (1) Notwithstanding anything contained in the Cinematograph Act, 1918, no exhibition of pictures or other optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance or pantomime, shall be given in any cantonment elsewhere than on premises for which a licence has been granted by the Cantonment Authority under this section. II of 1918.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance or pantomime, in contravention of the provisions of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to fifty rupees for each day after the first during which the offence continues.

(3) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance or pantomime in any theatre or institute which is the property of Government where the exhibition, performance or pantomime is held with the permission and under the control of the military authorities.

Discharging fireworks, fire-arms, etc.

**125.** Whoever in a cantonment discharges any fire-arms or lets off fireworks or fire-balloons, or engages in any game in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extend to fifty rupees.

Power to require buildings, walls, etc., to be rendered safe.

**126.** Where in a cantonment any building, or wall, or any thing affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is, in the opinion of the Cantonment Authority, for want of sufficient repairs, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the Cantonment Authority may, by notice in writing, require the owner thereof to repair, protect or enclose the same in such manner as it thinks necessary; and, if the danger is, in the opinion of the Cantonment Authority, imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

Enclosure of waste land used for improper purpose.

**127.** A Cantonment Authority may, by notice in writing, require the owner or part owner, or person claiming to be the owner or part owner, of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

## CHAPTER X.

### SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE.

#### *Sanitary Authorities.*

Responsibility for sanitation.

**128.** The following officers shall, for the purposes of sanitation, have control over, and be responsible for maintaining in



a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say :—

- (a) the Commanding Officer of the cantonment—all buildings and lands which are occupied or used for military purposes;
- (b) the Officer Commanding the air forces in the cantonment—all buildings and lands which are occupied or used for air-force purposes;
- (c) the head of any civil department or railway administration occupying as such any part of the cantonment—all buildings and lands in his charge as head of that department or administration.

General duties  
of Health Officer

**129.** (1) The Health Officer shall exercise a general sanitary supervision over the whole cantonment, and shall submit monthly to the Cantonment Authority a report as to the sanitary condition of the cantonment, together with such recommendations in connection therewith as he thinks fit.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Cantonment Authority, allotted to him by the Health Officer.

*Conservancy and Sanitation.*

Public latrines,  
urinals, and con-  
servancy estab-  
lishments.

**130.** All public latrines and urinals provided or maintained by a Cantonment Authority shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

Power of Can-  
tonment Autho-  
rity to undertake  
private conser-  
vancy arrange-  
ments.

**131.** (1) On the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the Cantonment Authority for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, a Cantonment Authority may undertake the house scavenging of any building or land in the cantonment for such period as it thinks fit on such terms as it may prescribe in this behalf.

(2) Where the Cantonment Authority has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of that Authority.

(3) For the purposes of this section, "house scavenging" means the removal of filth or rubbish or other offensive matter from a privy latrine, urinal, drain, cesspool, or other common receptacle for such matter.

Deposit and dis-  
posal of rubbish,  
etc.

**132.** (1) Every Cantonment Authority shall provide or appoint in proper and convenient situations, public receptacles, depôts or places for the temporary deposit or disposal of household rubbish, offensive matter, carcasses of dead animals and sewage.

(2) The Cantonment Authority may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in subsection (1) may be removed along a street or may be deposited or otherwise disposed of.

(3) All matter deposited in receptacles, depôts or places provided or appointed under this section shall be the property of the Cantonment Authority.

Cesspools, re-  
ceptacles for filth,  
etc.

**133.** The Executive Officer of any cantonment may, by notice in writing,—

(a) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to close any cesspool appertaining to the land or building which is, in the opinion of the Executive Officer, a nuisance, or

(ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle for filth or sewage accumulating on the land or in the building or

(iii) to prevent the water of any private latrine, urinal, sink or bath-room, or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place, or into any water-course or into any drain not intended for the purpose, or

(iv) to collect and deposit for removal by the conservancy establishment of the Cantonment Authority, within such time and in such receptacle or place, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land; or

(b) require any person to desist from making or altering any drain leading into a public drain; or

(c) require any person having the control of a drain in the cantonment to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

Filling up of tank, etc

**134.** (1) Where any well, tank, cistern, reservoir, receptacle, or other place in the cantonment where water is stored or accumulates, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer, or the Assistant Health Officer, is or is likely to be a breeding place for mosquitoes, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier thereof within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank, or to drain off or remove the water as the case may be.

(2) The Cantonment Authority may, if it thinks fit, with the previous sanction of the Officer Commanding the District, meet the whole or any portion of the expenses incurred in complying with a requisition under sub-section (1).

Provision of latrines, etc

**135.** A Cantonment Authority may, by notice in writing, require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, any latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cesspool, or other receptacle as aforesaid, which should, in its opinion, be provided for the building or land.

Sanitation factories, etc.

**136.** Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or labourers, and every person managing or having control of a market, school, theatre or other place of public resort, in a cantonment shall give notice of the fact to the Cantonment Authority, and shall provide such latrines and urinals, and shall employ such number of sweepers, as the Cantonment Authority thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order:

Provided that nothing in this section shall apply in the case of a factory to which the Indian Factories Act, 1911, applies.

XII of 1911.

Private latrines.

**137.** A Cantonment Authority may, by notice in writing,—

(a) require the owner or other person having the control of any private latrine or urinal in the cantonment not to put the same to public use; or

(b) where any plan for the construction of private latrines or urinals has been approved by the Cantonment Authority, and copies thereof may be obtained free of charge on application,—

(i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Health Officer and approved by him as conforming with such plan, or.

- (ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or
- (c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the Cantonment Authority, constitutes a nuisance, to remove the latrine or urinal; or
- (d) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—
  - (i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of person passing by or dwelling in the neighbourhood, or
  - (ii) to cleanse in such manner as the Cantonment Authority may specify in the notice any latrine or urinal belonging to the land or building; or
- (e) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

Removal of congested buildings.

**138.** (1) Where it appears to a Cantonment Authority that any block of buildings in the cantonment is in an unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of—

- (a) the Health Officer,
- (b) the Civil Surgeon of the district or, if his services are not available, some other medical officer of the Government,
- (c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and
- (d) where there is a board, two non-official members thereof.

(2) The committee shall make a report in writing to the Cantonment Authority regarding the sanitary condition of the block, and, if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health, it shall clearly indicate on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the Cantonment Authority is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided that the Cantonment Authority shall make compensation to the owners for any buildings so removed which may have been erected under proper authority:

Provided, further, that the Cantonment Authority may, if it considers it equitable in the circumstances so to do, pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

(4) For the purposes of this section "buildings" includes enclosure walls and fences appertaining to buildings.

Overcrowding of dwelling houses.

**139.** (1) Where it appears to a Cantonment Authority that any building or part of a building in the cantonment which is used as a dwelling house is so overcrowded as to

endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same, by reducing the number of lodgers, tenants or other inmates to such number as may be specified in the notice.

(2) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, to an additional fine which may extend to five rupees for every day after the first during which the failure has continued.

Power to require repair or alteration of building.

**140.** (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Cantonment Authority, in an insanitary state, the Cantonment Authority may, by notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which it relates.

(3) A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

Power to require land or building to be cleansed.

**141.** (1) The Executive Officer may, by notice in writing, require the owner, lessee or occupier of any building or land in the cantonment, which appears to him to be in a filthy or insanitary state, within twenty-four hours to cleanse the same or otherwise put it in a proper state, in such manner as may be specified in the notice.

(2) If, within three months from the date of the service of a notice under sub-section (1), any building or land in respect of which the notice was issued is again in a filthy or insanitary state, the owner, lessee or occupier, as the case may be, shall be punishable with fine which may extend to two hundred rupees.

Power to order closure of house.

**142.** If a Cantonment Authority is satisfied that any building or part of a building in the cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be posted on some conspicuous part of the building prohibiting the owner or occupier thereof from using the building or room for human habitation, or allowing it to be so used, until it has been rendered fit for such use to the satisfaction of the Cantonment Authority.

Removal of noxious vegetation.

**143.** A Cantonment Authority may, by notice in writing, require the owner, lessee, or occupier of any land in the cantonment to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to persons residing in the neighbourhood.

Agriculture and irrigation.

**144.** Where, in the opinion of a Cantonment Authority, the cultivation in the cantonment of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely to be injurious to the health of persons dwelling in the neighbourhood, the Cantonment Authority may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice, or may, by a like notice, direct that it shall be carried out subject to such conditions as the cantonment authority thinks fit:

Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the Cantonment Authority shall, if it directs that the notice is

to take effect on a date earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance with the notice.

#### *Burial and Burning Grounds.*

Power to call for information regarding burial and burning grounds.

**145.** A Cantonment Authority may, by notice in writing, require the owner or person in charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

Permission for use of new burial or burning ground.

**146.** (1) No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the Cantonment Authority.

(2) Such permission may be granted subject to any conditions which the Cantonment Authority thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbourhood.

Power to require closing of burial or burning ground.

**147.** (1) Where a Cantonment Authority, after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Local Government, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

(2) Where the Local Government sanctions the issue of any notice under sub-section (1), it shall declare the conditions on which the burial or burning ground may be re-opened, and a copy of such declaration shall be annexed to the notice.

(3) Where the Local Government sanctions the issue of any such notice, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, the Local Government shall require a grant to be made from the cantonment fund towards the cost of the same.

(4) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

Exemption from operation of sections 145 to 147.

**148.** The provisions of sections 145, 146 and 147 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

Removal of corpses

**149.** A Cantonment Authority may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning grounds.

#### *Prevention of Infectious or Contagious Diseases.*

Obligation to give information of infectious or contagious diseases

**150.** Whoever, being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious or infectious disease, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any such person is so suffering, shall, if he fails to give information, or if he gives false information, to the Cantonment Authority respecting the existence of such disease, be punishable with fine which may extend to one hundred rupees :

Provided that no person shall be punishable under this section for failure to give information if he had reasonable cause to believe that the information had already been duly given :

Provided, further, that this section shall not apply in the case of venereal disease where the person suffering therefrom

is under specific and adequate medical treatment and is, by reason of his habits and conditions of life and residence unlikely to spread the disease.'

Special measures in case of outbreak of infectious or epidemic diseases.

**151.** (1) In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Officer Commanding the District if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment or insufficient for the purpose, may, with the previous sanction of the Local Government,—

- (a) take such special measures, and
- (b) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public,

as he thinks necessary to prevent the outbreak or the spread of the disease :

Provided that, where in the opinion of the Officer Commanding the District immediate measures are necessary, he may take action without such sanction as aforesaid and, if he does so, shall forthwith report such action to the Local Government.

(2) Whoever commits a breach of any temporary regulation made under sub-section (1) shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

XLV. (186).

Power to require names of dairyman's customers.

**152.** Where it is certified to the Executive Officer by a medical practitioner that the outbreak or spread of any infectious or contagious disease in the cantonment is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Executive Officer may, by notice in writing, require the dairyman, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

Power to require names of a washerman's customers.

**153.** Where it is certified to the Executive Officer by the Health Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disease in the cantonment, that the Health Officer should be furnished with a list of the customers of any washerman, the Executive Officer may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Report after inspection of dairy or washerman's place of business.

**154.** Where, after inspection, the Health Officer is of opinion that any infectious or contagious disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Executive Officer.

Action on report submitted by Health Officer.

**155.** Upon receipt of a report submitted by the Health Officer under section 154, the Executive Officer may, by notice in writing,—

- (a) prohibit the supply of milk from the dairy until the notice has been withdrawn ; or
- (b) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner, or washes by such process, as the Executive Officer may direct in the notice.

Examination of  
milk or washed  
clothes.

**156.** The Health Officer may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 152, or of any clothes or other articles which are or have recently been in the possession of any washerman, or whom a notice has been served under section 153, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Cantonment Authority shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or their articles such sum as compensation for any loss occasioned by such process as may appear to it to be reasonable.

Contamination  
of public con-  
veyance.

**157.** Whoever in a cantonment—

- (a) uses a public conveyance while suffering from an infectious or contagious disease, or
- (b) uses a public conveyance for the carriage of a person who is suffering from any such disease, or
- (c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disease,

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person in charge of the conveyance, and further to report without delay to the Executive Officer the number of the conveyance and the name of the person so notified.

Disinfection of  
public con-  
veyance.

**158.** (1) Where any person suffering from, or the corpse of any person who has died from, an infectious or contagious disease has been carried in a public conveyance which ordinarily plies in a cantonment, the driver thereof shall forthwith report the fact to the Executive Officer who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(2) No such conveyance shall be brought again into use until the Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

Penalty for  
failure to report

**159.** Whoever fails to make to the Executive Officer any report which he is required to make by section 157 or section 158 shall be punishable with fine which may extend to one hundred rupees.

Driver of con-  
veyance not  
bound to carry  
person suffering  
from infectious or  
contagious  
disease.

**160.** Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of a cantonment any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

Disinfection of  
building or  
articles therein.

**161.** Where a Cantonment Authority is, upon the advice of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the cantonment or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, as the case may be, or to renew the said flooring, within such time as may be specified in the notice:

Provided that where, in the opinion of the Cantonment Authority, the owner or occupier is from poverty or any other cause unable effectually to carry out any such requisition, the Cantonment Authority may, at the expense of the cantonment fund, cleanse and disinfect the building, part or articles, or, as the case may be, renew the flooring.

Destruction of  
infectious hut or  
shed.

162. (1) Where the destruction of any hut or shed in a cantonment is, in the opinion of the Cantonment Authority, necessary to prevent the spread of any infectious or contagious disease the Cantonment Authority may, by notice in writing, require the owner to destroy the hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the President of a Board or, where there is no Board, the Commanding Officer of the cantonment, is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith, or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

(3) The Cantonment Authority shall pay compensation to the owner of any hut or shed destroyed under this section.

Temporary shel-  
ter for inmates of  
uninfected or  
destroyed build-  
ing or shed.

163. The Cantonment Authority shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disease has appeared who have been compelled to leave their dwelling by reason of any proceedings taken under section 161 or section 162, and who desire such shelter or accommodation as aforesaid to be provided for them.

Disinfection of  
building before  
letting the same.

164. (1) Where in a cantonment any building or part of a building is intended to be let in which any person has, within the six weeks immediately preceding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the Cantonment Authority may, by public or special notice, direct, together with all articles therein liable to retain infection.

(2) For the purposes of this section, the keeper of an hotel, lodging house or sarai shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

Disposal of in-  
fected article  
without disinfec-  
tion

165. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any infectious or contagious disease and is likely to be used in, or taken into, a cantonment.

Means of disin-  
fection

166. (1) Every Cantonment Authority shall—

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;

(b) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as it may fix.

(2) A Cantonment Authority may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, if it does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The President of a Board or, where there is no Board, the Commanding Officer of the cantonment, may direct the destruction of any clothing, bedding or other article in the cantonment likely to retain infection, and may give such compensation as he thinks fit for any article so destroyed.

Making or sell-  
ing of food, etc.,  
or washing clothes  
by infected per-  
son.

167. Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease,—

(a) makes, carries or offers, for sale in a cantonment or takes any part in the business of making, carrying or offering for sale therein any article of food or drink, or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear; or



(b) takes any part in the business of the washing or carrying of clothes,

shall be punishable with fine which may extend to one hundred rupees.

Power to restrict or prohibit sale of food or drink.

**168.** When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the Cantonment Authority may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animals so specified.

Control over wells, tanks, etc.

**169.** (1) If a Cantonment Authority is of opinion that the water in any well, tank or other place is likely, if used for drinking, to engender, or cause the spread of, any disease, it may,—

- (a) by public notice, prohibit the removal or use of such water for drinking;
- (b) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or
- (c) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of a cantonment or any part of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorised by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

Disposal of infectious corpse.

**170.** Where any person has died in a cantonment from any infectious or contagious disease, the Executive Officer may, by notice in writing,—

- (a) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or
- (b) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

#### *Hospitals and Dispensaries.*

Maintenance or aiding of hospitals or dispensaries.

**171.** (1) A Cantonment Authority may—

- (a) provide and maintain either within or without the cantonment as many hospitals and dispensaries as it thinks fit; or
- (b) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment, not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious diseases.

(3) A medical officer, appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under this section,

Medical supplies, appliances, etc.

**172.** (1) Every hospital or dispensary maintained or aided under section 171 shall be maintained in accordance with any general or special orders of the Governor General in Council or the Local Government for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the Governor General in Council or the Local Government, as the case may be, thinks fit.

(2) The Cantonment Authority shall cause every such hospital or dispensary to be provided with all requisite drugs, instruments, apparatus, furniture and appliances and with sufficient cots, bedding and clothing for in-patients.

Free patients.

**173.** At every hospital or dispensary maintained or aided under section 171, the sick poor of the cantonment, and other inhabitants of the cantonment suffering from infectious or contagious diseases, and, with the sanction of the Cantonment Authority, any other sick persons, may receive medical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the Cantonment Authority may fix :

Provided that the subsistence allowance shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment-debtors by the Local Government under section 57 of the Code of Civil Procedure, 1908.

V of 1908.

Paying patients.

**174.** Any sick person who is ineligible to receive medical treatment free of cost in any hospital or dispensary under section 173 may be admitted to treatment therein upon such terms as the Cantonment Authority thinks fit.

Power to order person to attend hospital or dispensary

**175.** (1) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 171 has reason to believe that any person living in the cantonment is suffering from an infectious or contagious disease, he may, by notice in writing, call upon such person to attend for examination at any such hospital or dispensary at such time as may be specified in the notice and not to quit it without the permission of the medical officer in charge ; and, on the arrival of such person at the hospital or dispensary, the medical officer in charge thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious or contagious disease :

Provided that, if, having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Health Officer or medical officer, as the case may be, considers that the attendance of such person at a hospital or dispensary is likely to prove unnecessary or inexpedient, he shall examine such person at such person's own residence.

(2) If any person, on examination under sub-section (1), is found to be suffering from an infectious or contagious disease, the Health Officer or medical officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion :

Provided that, if having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, he considers that the detention of such person at a hospital or dispensary is unnecessary or inexpedient, he shall discharge such person and take such measures or give such directions in the matter as he thinks necessary.

Power to exclude from cantonment persons refusing to attend hospital or dispensary.

**176.** (1) If the Health Officer or the medical officer in charge of a hospital or dispensary maintained or aided under section 171 reports in writing to the Commanding Officer of the Cantonment that any person having received a notice under section 175 has refused or omitted to attend at the hospital or dispensary, specified in the notice, or that such person, having attended the hospital or dispensary, has quitted it without the permission of such medical officer, or that any person has failed

to comply with any direction given to him under section 175, the Commanding Officer of the cantonment may, by order in writing, direct such person to remove from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.

(2) No person who has under sub-section (1) been ordered to remove from and not to re-enter a cantonment shall enter any other cantonment in British India without the written permission of the Commanding Officer of that cantonment.

*Control of Traffic for Hygienic Purposes.*

Routes  
for pilgrims  
and others.

**177.** (1) A Cantonment Authority may provide or prescribe suitable routes for the use of persons through the cantonment—

- (a) on their way to or from fairs or places of pilgrimage or other places of public resort; or
- (b) during times when an infectious or contagious disease is prevalent;

and may, by public notice, require such persons as aforesaid to use such routes and no others.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the Cantonment Authority.

*Special Conditions regarding Essential Services.*

Conditions of  
service of sweepers.

**178.** (1) Whoever, being a sweeper employed by a Cantonment Authority, in the absence of a written contract authorising him so to do and without reasonable cause, resigns his employment or absents himself from his duty, without having given one month's notice to the Cantonment Authority, or neglects or refuses to perform his duties, or any of them, shall be punishable with imprisonment which may extend to one month.

(2) The Local Government may, by notification in the local official Gazette, direct that on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of servants employed by a Cantonment Authority whose functions intimately concern the public health or safety.

(3) For the purposes of this section, "sweeper" includes any menial servant employed by a Cantonment Authority in the removal or disposal of filth or rubbish.

CHAPTER XI.

CONTROL OVER BUILDINGS, STREETS, BOUNDARIES,  
TREES, ETC.

*Buildings.*

Notice of new  
buildings.

**179.** (1) Whoever intends to erect or re-erect any building in a cantonment shall give notice in writing of his intention to the Cantonment Authority.

(2) For the purposes of this Act, a person shall be deemed to erect or re-erect a building who—

- (a) makes any material alteration or enlargement of any building, or
- (b) converts into a place for human habitation any building not originally constructed for that purpose, or
- (c) converts into more than one place for human habitation a building originally constructed as one such place, or

- (d) converts two or more places of human habitation into a greater number of such places, or
- (e) converts into a stable, cattled-shed or cow-house any building originally constructed for human habitation, or
- (f) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene, or
- (g) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Act.

Conditions  
valid notice.

of **180.** (1) A person giving the notice required by section 179 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required under bye-laws made under this Act have been furnished to the satisfaction of the Cantonment Authority along with the notice.

Power  
Cantonment  
Authority  
to refuse  
sanction of

of **181.** The Cantonment Authority may either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely :—

- (a) the free passage or way to be left in front of the building ;
- (b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire ;
- (c) the ventilation of the building, the minimum cubic area of the rooms, and the number and height of the storeys of which the building may consist ;
- (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth ;
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure ;
- (f) the line of frontage with neighbouring buildings if the building abuts on a street ;
- (g) the means to be provided for egress from the building in case of fire ;
- (h) the materials and method of construction to be used for external and party walls for rooms, floors, fire-places and chimneys ;
- (i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ; and
- (j) any other matter affecting the ventilation and sanitation of the building ;

and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(2) If the Cantonment Authority decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom the notice was given.

(3) Where the Cantonment Authority neglects or omits, for one month after the receipt of a valid notice, to make and deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter, by a written communication, sent by registered post to the Cantonment Authority calls the attention of the Cantonment Authority to the neglect or omission, then, if such neglect or

omission continues for a further period of fifteen days from the date of such communication, the Cantonment Authority shall be deemed to have given sanction to the erection or re-erection as the case may be, unconditionally.

(4) The Cantonment Authority may refuse to sanction the erection or re-erection of any building either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Officer Commanding-in-Chief, the Command, restricting the erection or re-erection of buildings within specified limits for the prevention of overcrowding or in the interests of persons residing within such limits or for any other public purpose.

Compensation.

**182.** (1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Cantonment Authority of sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 181.

(2) The Cantonment Authority shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street :

Provided that the Cantonment Authority shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

Lapse of sanction.

**183.** Every sanction for the erection or re-erection of a building given or deemed to have been given by the Cantonment Authority as hereinbefore provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun without fresh sanction obtained in the manner hereinbefore provided.

Illegal erection and re-erection.

**184.** Whoever begins, continues or completes the erection or re-erection of a building :—

- (a) without having given a valid notice as required by sections 179 and 180, or before the building has been sanctioned or is deemed to have been sanctioned, or
- (b) without complying with any direction made under sub-section (1) of section 181, or
- (c) when sanction has been refused, or has ceased to be available,

shall be punishable with fine which may extend to five hundred rupees.

Power to stop erection or re-erection or to demolish.

**185.** A Cantonment Authority may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the Cantonment Authority considers that such erection or re-erection is an offence under section 184, and may in any such case in like manner direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected :

Provided that the Cantonment Authority may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable.

Power to make bye-laws.

**186.** A Cantonment Authority may make bye-laws prescribing—

- (a) the manner in which notice of the intention to erect or re-erect a building in the cantonment shall be given to the Cantonment Authority and the information and plans to be furnished with the notice ;

- (b) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;
- (c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected; and
- (d) the fees payable on provision by the Cantonment Authority of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof.

Projections and  
obstructions.

**187.** (1) No owner or occupier of any building in a cantonment shall, without the permission in writing of the Cantonment Authority, add to or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(2) The Cantonment Authority may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the Cantonment Authority shall make compensation for any damage caused by the removal or alteration.

(3) The Cantonment Authority may, by order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

Unauthorised  
buildings over  
drains, etc.

**188.** A Cantonment Authority may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any building over any public sewer, drain, culvert, water-course or water pipe in the cantonment to pull down or otherwise deal with the same as it thinks fit.

Drainage and  
sewer connections.

**189.** (1) A Cantonment Authority may, by notice in writing, require the owner or lessee of any building or land in any street at his own expense and in such manner as the Cantonment Authority thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(2) For the purpose of efficiently draining any building or land in the cantonment, the Cantonment Authority may, by notice in writing, require the owner or lessee of the building or land—

- (a) to pave, with such materials and in such manner as it thinks fit, any courtyard, ally or passage between two or more buildings, or
- (b) to keep any such paving in proper repair.

Power to attach  
brackets for  
lamps.

**190.** A Cantonment Authority may attach to the outside of any building, or to any tree in the cantonment, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

#### Streets.

Temporary oc-  
cupation of street,  
land, etc.

**191.** A Cantonment Authority may, by order in writing, permit the temporary occupation of any street, or of any land vested in the Cantonment Authority, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of the public, and may charge a fee for such permission and may in its discretion withdraw such permission.

Closing and  
opening of streets.

**192.** (1) A Cantonment Authority shall not permanently close any street or open any new street without the previous sanction of the Officer Commanding the District.

(2) A Cantonment Authority may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-supply or lighting or any other work which it is by or under this Act required or permitted to carry out :

Provided that where owing to any works or repairs or from any other cause, the condition of any street or of any water-works, drain, culvert or premises vested in the Cantonment Authority, is such as to be likely to cause danger to the public, the Cantonment Authority shall—

- (a) take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto ;
- (b) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

Names of  
streets and num-  
bers of buildings

**193.** (1) A Cantonment Authority may cause a name to be given to any street and to be affixed on any building in the cantonment in such place as it thinks fit, and may also cause a number to be affixed to any such building.

(2) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the Cantonment Authority shall be punishable with fine which may extend to twenty rupees.

#### *Boundaries and Trees.*

Boundary walls,  
hedges and fences.

**194.** (1) No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Cantonment Authority.

(2) A Cantonment Authority may, by notice in writing require the owner or lessee of any land in the cantonment :—

- (a) to remove from the land any boundary wall, hedge or fence which is, in its opinion, unsuitable, unsightly or otherwise objectionable ; or
- (b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice ; or
- (c) to maintain the boundary walls, hedges or fences of such land in good order :

Provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Cantonment Authority, or which was in existence at the commencement of this Act, the Cantonment Authority shall make compensation for any damage caused by the removal thereof.

(3) The Cantonment Authority may, by notice in writing require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

Felling, lopping  
and trimming of  
trees.

**195.** (1) Where, in the opinion of a Cantonment Authority, the felling of any tree of mature growth standing in a private enclosure in the cantonment is necessary for any reason, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

(2) A Cantonment Authority may—

- (a) cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to the Government ; or

(b) by public notice require all owners, lessees or occupiers of land in the cantonment, or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

Digging  
public land.

196. Whoever, without the permission in writing of the Cantonment Authority, digs up the surface of any open space in the cantonment, which is not private property, shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing offence, to an additional fine which may extend to five rupees for every day after the first during which the offence continues.

Improper use of  
land.

197. (1) If, in the opinion of a Cantonment Authority, the working of a quarry in the cantonment, or the removal of stone, earth or other material from the soil in any place in the cantonment, is dangerous to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the Cantonment Authority may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such making or removal from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the Cantonment Authority may direct for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(2) If, in any case referred to in sub-section (1), the Cantonment Authority is of opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

## CHAPTER XII.

### MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS.

Public markets  
and slaughter-  
houses.

198. (1) A Cantonment Authority may provide and maintain, either within or without the cantonment, public markets and public slaughter-houses, to such number as it thinks fit together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighing or measurement of goods sold therein.

(2) When such market or slaughter-house is situated beyond cantonment limits, the Cantonment Authority shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.

(3) The Cantonment Authority may at any time, by public notice, close any public market or public slaughter-house or any part thereof.

(4) Nothing in this section shall be deemed to authorise the establishment of a public market or public slaughter-house within the limits of any area administered by any local authority other than the Cantonment Authority without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

Use of public  
market.

199. (1) No person shall, without the general or special permission in writing of the Cantonment Authority, sell or expose for sale any animal or article in any public market.

(2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Executive Officer or any officer or servant of the Cantonment Authority authorised by it in this behalf.



Levy of stallages, rents and fees.

**200. A Cantonment Authority may—**

- (a) charge for the occupation or use of any stall, shop, standing, shed or pen in a public market, or public slaughter-house, for the right to expose goods for sale in a public market, or for weighing or measuring goods therein, or for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as it thinks fit; or
- (b) with the sanction of the Officer Commanding the District, farm the stallages, rents and fees leviable as aforesaid or any portion thereof for any period not exceeding one year at a time; or
- (c) put up to public auction, or, with the sanction of the Officer Commanding the District, dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter-house for such term and on such conditions as it thinks fit.

Stallages, rents, etc., to be published.

**201.** A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in the English language and in such other language or languages as the Cantonment Authority may direct, shall be placed in some conspicuous place in the market or slaughter-house.

Private markets and slaughter-houses

**202. (1)** No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case may be, by the Cantonment Authority:

Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Government.

(2) Nothing in sub-section (1) shall be deemed—

- (a) to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf, or
- (b) to prevent the Executive Officer, with the sanction of the Cantonment Authority, from setting apart places for the slaughter of animals in accordance with religious custom, when such animals are slaughtered for consumption by the troops or for the purpose of the sale of the flesh thereof to the troops.

(3) Whoever omits to comply with any condition imposed by the Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to ten rupees for every day after the first during which the offence is continued.

Conditions of grant of licence for private market or slaughter-house.

**203. (1)** A Cantonment Authority may charge such fees as it thinks fit to impose for the grant of a licence to any person to open a private market or private slaughter-house in the cantonment, and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as it thinks fit to impose.

(2) The Cantonment Authority may refuse to grant any such licence without giving reasons for such refusal.

Penalty for keeping market or slaughter-house open without licence, etc.

**204. (1)** Any person who keeps open for public use any market or slaughter-house in respect of which a licence is required by or under this Act, without obtaining licence therefor, or while the licence therefor is suspended, or after the same

has been cancelled, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

(2) When a licence to use a private market or private slaughter-house is granted or refused or is suspended or cancelled, the Cantonment Authority shall cause a notice of the grant, refusal, suspension or cancellation to be posted in English, and in such other language or languages as it thinks necessary, in some conspicuous place by or near the entrance to the place to which the notice relates.

Penalty for using unlicensed market or slaughter-house.

**205.** Whoever, knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act, or that the licence granted therefor is for the time being suspended or that it has been cancelled, sells or exposes for sale any article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which the offence is continued.

Prohibition and restriction of use of slaughter-houses.

(1) Where, in the opinion of the Cantonment Authority, it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month, as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which it relates.

Power to inspect slaughter-houses.

**207.** (1) Any servant of a Cantonment Authority, authorised by order in writing in this behalf by the President of the Board, if any, or the Health Officer, may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

Power to make bye-laws.

**208.** A Cantonment Authority may, with the approval of the Local Government, make bye-laws consistent with this Act to provide for all or any of the following matters, namely: -

- (a) the days on, and the hours during, which any private market or private slaughter-house may be kept open for use;
- (b) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof;
- (c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;
- (d) the manner in which animals shall be stalled at a slaughter-house;
- (e) the manner in which animals may be slaughtered;

(f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption; and

(g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption.

#### *Trades and Occupations.*

Provision of washing places.

**209.** (1) A Cantonment Authority may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit.

(2) Where the Cantonment Authority has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place in the cantonment:

Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

(3) Whoever contravenes any prohibition contained in a notice issued under sub-section (2) shall be punishable with fine which may extend to twenty rupees.

Licences required for carrying on of certain occupations.

**210.** (1) No person of any of the following classes, namely:—

(a) butchers and vendors of poultry, game or fish;

(b) persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in India;

(c) persons keeping milch cattle or milch goats for profit;

(d) persons keeping for profit any animals other than pigs, milch cattle or milch goats;

(e) dairymen, buttermen and makers and vendors of ghee;

(f) makers of bread, biscuits or cake, and vendors of bread, biscuits or cake made in India;

(g) vendors of fruit or vegetables;

(h) manufacturers of aerated or other potable waters or of ice or ice-cream, and vendors of the same;

(j) vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ice or ice-cream) which are of a perishable nature;

(k) vendors of water to be used for drinking purposes;

(l) Washermen;

(m) dealers in hay, straw, wood, charcoal or other inflammable material;

(n) dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit;

(o) tanners and dyers;

(p) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;

(q) vendors of wheat, rice and other grain or of flour; and

(r) makers and vendors of sugar or sweetmeats;

shall carry on his trade, calling or occupation in any part of a cantonment unless he has applied for and obtained a licence in this behalf from the Cantonment Authority.

(2) A licence granted under sub-section (1) shall be valid for one year, and the grant of such licence shall not be withheld by the Cantonment Authority unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public.

(3) Notwithstanding anything contained in sub-section (1),—

(a) no person who was, at the commencement of this Act, carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a licence for carry on such trade or occupation in that part until he has received from the Cantonment Authority not less than three months' notice in writing of his obligation to do so, and if the Cantonment Authority refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal;

(b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage or possession for sale by or under the Indian Petroleum Act, 1899, or the Poisons Act, 1919.

VIII of 1899.  
XII of 1919.

(4) The Cantonment Authority may charge for the grant of licences under this section such fees as it may fix with the previous sanction of the Local Government.

Conditions which may be attached to licences.

**211.** A licence granted to any person under section 210 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the Cantonment Authority thinks fit to impose in accordance with bye-laws made under this Act.

#### *General provisions.*

Power to vary licence.

**212.** If a Cantonment Authority is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the Cantonment Authority, render it no longer a nuisance or dangerous.

Carrying on trade, etc., without licence or in contravention of section 212.

**213.** Whoever carries on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 212, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to two hundred rupees and, in the case of a continuing offence, with an additional fine which may extend to forty rupees for every day after the first during which the offence is continued.

Feeding animals on dirt, etc.

**214.** Whoever feeds or allows to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of a cantonment or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the Cantonment Authority, shall be punishable with fine which may extend to fifty rupees.

*Entry, Inspection and Seizure.*

Powers of entry  
and seizure.

**215.** (1) The President or the Vice-President of a Board, the Executive Officer, the Health Officer, the Assistant Health Officer, or any other officer or servant of a Cantonment Authority authorised by it in writing, may, in his behalf,—

(a) may at any time enter into any market, building, shop, stall or other place in the cantonment for the purpose of inspecting, and may inspect, any animals, articles or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;

(b) may seize any animal, article or thing which appears to him to be diseased or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken before a Magistrate.

(4) The owner or person in possession, at the time of seizure under sub-section (1), of any animal or carcase which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub-section (1), shall be punishable with fine which may extend to one hundred rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the Cantonment Authority or to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

*Explanation I.*—If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

*Explanation II.*—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

*Explanation III.*—The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health :

Provided that—

(a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof, or

(b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith, or

(c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added, or

(d) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and quality and has no reason to believe that it was not of such nature, substance, and quality and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

#### *Import of Cattle and Flesh.*

Import of cattle and flesh

216. (1) No person shall, without the permission in writing of the Cantonment Authority, bring into a cantonment any animal intended for human consumption, or the flesh of any animal slaughtered outside the cantonment otherwise than in a slaughter-house maintained by the Government or the Cantonment Authority.

(2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Executive Officer or by any servant of the Cantonment Authority and sold or otherwise disposed of as the Cantonment Authority may direct, and, if it is sold, the sale-proceeds may be credited to the cantonment fund.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment for consumption outside thereof, or to meat brought into a cantonment by any person for his immediate domestic consumption :

Provided that the Cantonment Authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specific description or brought from any specified place.

### CHAPTER XIII.

#### WATER SUPPLY, DRAINAGE AND LIGHTNING.

##### *Water Supply.*

Maintenance of water-supply.

217. (1) In every cantonment where a sufficient supply of pure water for domestic use does not already exist, the Cantonment Authority shall provide or arrange for the provision of such supply.

(2) The Cantonment Authority shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and that the water shall be at all times pure and fit for human consumption.

Control over sources of public water-supply.

218. (1) The Cantonment Authority may, with the previous sanction of the Local Government, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of water-supply under the control of the Military Works Services or the Public Works Department) from which water is or may be made available for the use of the public in the cantonment to be a source of public water-supply.

(2) Every such source shall be under the control of the Cantonment Authority.

Power to require maintenance of closing of private source of public drinking water-supply.

**219.** The Cantonment Authority may, by notice in writing, require the owner or any person having the control of any source of public water-supply which is used for drinking purposes—

- (a) to keep the same in good order and to clear it from time to time of refuse and decaying vegetation, or
- (b) to protect the same from contamination in such manner as the Cantonment Authority may direct, or
- (c) if the water therein is proved to the satisfaction of the Cantonment Authority to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water :

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Cantonment Authority for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Cantonment Authority shall undertake the control and supervision of the well.

Supply of water.

**220.** (1) The Cantonment Authority may permit the owner, lessee or occupier of any building or land to connect a building or land with a source of public water-supply by means of communication pipes of such size and description as it may prescribe for the purpose of obtaining water for domestic use.

(2) The occupier of every building so connected with the water-supply shall be entitled to have for domestic use, in return for the water tax, if any, such quantity of water as the Cantonment Authority may determine.

(3) All water supplied in excess of the quantity to which such supply is limited under sub-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Cantonment Authority may fix.

(4) The supply of water for domestic use shall not be deemed to include any supply—

- (a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire ;
- (b) for any trade, manufacture or business ;
- (c) for fountains, swimming baths or any ornamental or mechanical purpose ;
- (d) for gardens or for purposes of irrigation ;
- (e) for making or watering roads or paths ; or
- (f) for building purposes.

Power to require supply to be taken.

**221.** If it appears to the Cantonment Authority that any building or land in the cantonment is without a proper supply of pure water, the Cantonment Authority may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purpose.

Supply of water under agreement.

**222.** (1) The Cantonment Authority may, by agreement, supply, from any source of public water-supply, the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Act, and the rules and bye-laws made thereunder, as may be agreed upon between the Cantonment Authority and such owner, lessee or occupier.

(2) The Cantonment Authority may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

Cantonment Authority not liable for failure of supply.

223. Notwithstanding any obligation imposed on Cantonment Authorities under this Act, a Cantonment Authority shall not be liable to any forfeiture, penalty, or damages for failure to supply water or for curtailing the quantity thereof if the failure or curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless, in the case of an agreement for the supply of water under section 222, the Cantonment Authority has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

Conditions of universal applications.

224. Notwithstanding any law hereinbefore contained or contained in any agreement under section 222, the supply of water by a Cantonment Authority to any building or land shall be, and shall be deemed to have been, granted subject to the following conditions, namely:—

The owner, lessee or occupier of any building or land in or on which water supplied by the Cantonment Authority is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the Cantonment Authority may appoint in this behalf;

(b) the Executive Officer or any other officer or servant of the Cantonment Authority authorised by it in writing in this behalf may enter into or on any premises supplied with water by the Cantonment Authority, for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;

(c) the Cantonment Authority may, after giving notice in writing, cut off the connection between any source of public water-supply and any building or land to which water is supplied for any purpose therefrom, or turn off such supply if—

(i) the owner or occupier of the building or land neglects to pay the water tax or other charges connected with the water supply within one month from the date on which such tax or charge falls due for payment;

(ii) the occupier refuses to admit the Executive Officer or other authorized officer or servant of the Cantonment Authority into the building or land for the purpose of making any examination or inquiry authorized by clause (b) or prevents the making of such examination or inquiry;

(iii) the occupier wilfully or negligently misuses or causes waste of water;

(iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap conveying water from the water-works;

(v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination by the Executive Officer, to be out of repair to such an extent as to cause a waste of water;



(d) the expense of cutting off the connection or of turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land;

(e) no action taken under, or in pursuance of clause (c), shall relieve any person from any penalty or liability which he may otherwise have incurred.

Supply to  
persons outside  
cantonment

**225.** A Cantonment Authority may allow any person not residing within the limits of the cantonment to take or be supplied with water for any purpose from any source of public water-supply on such terms as it may prescribe, and may at any time withdraw or curtail such supply.

Penalty

**226.** Whoever—

(a) uses for other than domestic purposes any water supplied by a Cantonment Authority for domestic use, or

(b) where water is supplied by agreement with a Cantonment Authority for a specified purpose, uses that water for any other purpose,

shall be punishable with fine which may extend to fifty rupees, and the Cantonment Authority shall be entitled to recover from him the price of the water misused.

#### *Water, Drainage and other Connections.*

Power of Cantonment Authority to lay wires, connections, etc

**227.** A Cantonment Authority may carry any cable, wire, pipe, drain, sewer or channel of any kind,—

(a) for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage or sewerage, through, across, under or over any road or street, or any place laid out or intended as a road or street, or, after giving reasonable notice in writing to the owner or occupier into, through, across, under or over any land or building, or up the side of any building situated within the cantonment or

(b) for the purpose of supplying water or of the introduction or distribution of outfall of water or for the removal or outfall of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up the side of any building, situated outside the cantonment;

and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:

Provided that no nuisance shall be caused in excess of what is reasonably necessary for the proper execution of work:

Provided, further, that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

Wires, etc., laid  
above surface of  
ground

**228.** In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the Cantonment Authority in respect of any substantial interference with the right to any such enjoyment.

Connection with main not to be made without permission.

**229.** No person shall, for any purpose whatsoever, without the permission of the Cantonment Authority, at any time make or cause to be made any connection or communication with any cable, wire, pipe, drain, sewer or channel constructed or maintained by, or vested in, a Cantonment Authority.

Power to prescribe ferrules and to establish meters, etc.

**230.** A Cantonment Authority may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters or other appliances for the purpose of testing the quantity of any water, or the quantity or quality of any gas supplied to any premises by the Cantonment Authority.

Power of inspection.

**231.** The ferrules, communication pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a Cantonment Authority, the pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases be executed subject to the inspection and to the satisfaction of the Cantonment Authority.

Power to fix rates and charges.

**232.** A Cantonment Authority may fix the charges to be made for the establishment by them or through their agency of communications from, and connections with, mains, or pipes for the supply of water, or gas, or for meters or other appliances for testing the quantity or quality thereof supplied, and may levy such charges accordingly.

*Application of this Chapter to Government Water Supplies.*

Government water-supply

**233.** (1) Where in any cantonment there is a water-supply under the control of the Military Works Services or the Public Works Department, the Officer of the Military Works Services or of the Public Works Department, as the case may be, in charge of such water supply (hereinafter in this section and in section 234 referred to as the Officer) may publish in the cantonment in such manner as he thinks fit a notice declaring that any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment (other than a source of public water-supply under the control of the Cantonment Authority) is a source of public water-supply, and may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Cantonment Authority to exercise any power conferred upon that Authority by section 219.

(2) In the case of any water-supply such as is referred to in sub-section (1), the following provisions of this Chapter, namely, the provisions of sections 220, 222, 223, 224, 226, 227, 228, 229, 230, 231 and 232 shall, as far as may be, be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the Cantonment Authority shall be construed as references to the Officer, and references to the Executive Officer or other officer or servant of the Cantonment Authority shall be construed as references to such person as may be authorised in this behalf by the Officer.

Recovery of charges.

**234.** In any case in which the provisions of section 233 apply, the water-tax, if any, imposed in the cantonment and all other charges arising out of the supply of water which may be imposed under the provisions of this Chapter as applied by section 233 shall be recovered by the Cantonment Authority, and all monies so recovered, or such proportion thereof as the Local Government may in each case determine, shall be paid by the Cantonment Authority to the Officer.

## CHAPTER XIV.

## REMOVAL AND EXCLUSION FROM CANTONMENTS AND SUPPRESSION OF SEXUAL IMMORALITY.

Power to  
remove brothels  
and prostitutes

**235.** The Commanding Officer of a cantonment may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorised agent, and, if the Commanding Officer of the cantonment is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

Penalty for  
importuning  
and for  
purposes of pros-  
titution.

**236.** (1) Whoever in a cantonment imports for the purpose of prostitution or procures any person to the commission of sexual immorality, shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees.

(2) No prosecution for an offence under this section shall be instituted except on the complaint of the person importuned, or of a military officer in whose presence the offence was committed, or of a member of the Military or Air Force Police, being employed in the cantonment and authorised in this behalf by the Commanding Officer of the cantonment, in whose presence the offence was committed, or of a police officer not below the rank of a sub-inspector who is employed in the cantonment and authorised in this behalf by the Commanding Officer of the cantonment.

Removal  
of  
lewd persons from  
cantonment

**237.** If the Commanding Officer of a cantonment is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 236, or of the abetment of such an offence, he may cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Commanding Officer of the cantonment.

Removal  
and  
exclusion  
of  
persons  
from  
cantonment

**238.** (1) A Magistrate of the first class, having jurisdiction in a cantonment, on receiving information that any person residing in or frequenting the cantonment—

- (a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming house, a disorderly drinking shop or a disorderly house of any other description, or
- (b) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code, or
- (c) has been convicted, either within the cantonment or elsewhere, of any offence punishable under section 156 of the Army Act, or
- (d) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898, either within the cantonment or elsewhere, to execute a bond for his good behaviour,

may record in writing the substance of the information received, and may issue a summons to such person requiring such person to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid, and the copy shall be served along with the summons on the persons against whom the summons is issued.

XIV of 1860.

11 & 45  
Act., c. 68.

V of 1898

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if, upon such inquiry, it appears to him that such person is a person of any kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person should be required to remove therefrom and be prohibited from re-entering the cantonment, the Magistrate shall report the matter to the Commanding Officer of the cantonment, and if the Commanding Officer of the cantonment so directs, shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment.

• Removal and  
exclusion from  
cantonment of  
seditionists.

239. (1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst the troops of His Majesty's Forces, or if the Commanding Officer of the cantonment has reason to believe, is likely to do any such act, the Commanding Officer of the cantonment may make an order in writing setting forth the reasons for the making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment.

Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should not be made.

(2) Every order made under sub-section (1) shall be sent to the Superintendent of Police of the district, who shall cause a copy thereof to be served on the person concerned.

(3) Upon the making of any order under sub-section (1), the Commanding Officer of the cantonment shall forthwith send a copy of the same to the Local Government.

(4) The Local Government may, of its own motion, and shall, on application made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make, after such inquiry as the Local Government may prescribe, a report regarding the justice of the order and the necessity therefor. At every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

(5) The Local Government may, at any time after the receipt of a copy of an order sent under sub-section (3) or, where a report has been called for under sub-section (4), on receipt of that report, if it is of opinion that the order should be varied or rescinded, refer the case to the Governor General in Council, who shall pass such orders thereon as he thinks fit.

(6) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the Officer Commanding-in-Chief, the Command, for the rescission of the same and, on such application being made, the said Officer may, after making such inquiry, if any, as he thinks necessary, neither reject the application or rescind the order.

Penalty.

#### 240. Whoever—

- (a) fails to comply with an order issued under this Chapter within the period specified therein, or, whilst an order prohibiting him from re-entering a cantonment without permission is in force re-enters the cantonment without such permission, or

- (b) knowing that any person has, under this Chapter, been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment,

shall be punishable with which may extend to two hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the offence.

## CHAPTER XV.

### POWERS, PROCEDURE, PENALTIES AND APPEALS.

#### *Entry and Inspection.*

Powers  
entry.

of

**241.** It shall be lawful for the President or the Vice-President of a Board, or the Executive Officer, or the Health Officer, or any person specially authorised by the Health Officer, or for any other person authorised by a general or special order of a Cantonment Authority in this behalf, to enter into or upon any building or land with or without assistance or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make for the execution of any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder.

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 207 or section 215 or to authorise the conferment upon any person of any such power.

Powers of ins-  
pection by mem-  
ber of a Board.

**242.** With the previous sanction of the President, any member of a Board may inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book, accounts or other document belonging to, or in the possession of, the Board.

Powers of ins-  
pection, etc.

**243.** (1) A Cantonment Authority may, by general or special order, authorise any person—

- (a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

- (b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the Cantonment Authority.

Power to enter  
land adjoining  
land where work  
is in progress.

**244.** (1) The Executive Officer of a cantonment may, with or without assistants or workmen, enter on any land within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

(2) The Executive Officer shall, before entering on any land under sub-section (1), give the occupier, or, if there is no

occupier, the owner not less than three days' previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, fence off so much of the land as may be required for such purpose.

(3) The Executive Officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable to the Cantonment Authority to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

Breaking into  
premises

**245.** It shall be lawful for any person, authorised by or under this Act to make any entry into any place, to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being absent or if he has given such notice or

Entry to be  
made in the day  
time.

**246.** Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Owner's consent  
ordinarily to be  
obtained

Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours' written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a stable for horses or a shed for cattle, or a latrine, privy or urinal, or a work under construction.

Regard to be  
had to social and  
religious usages.

**248.** When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Penalty  
obstruction

**249.** Whoever obstructs or molests any person employed by a Cantonment Authority, who is not a public servant within the meaning of section 21 of the Indian Penal Code or any person with whom the Cantonment Authority has fully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or of any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to one hundred rupees.

XLV of 1860.

#### *Powers and Duties of Police Officers.*

Arrest without  
warrant.

**250.** Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:

Provided that—

(a) in the case of the breach of any such provision as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and

(b) no person shall be so arrested for an offence under section 236 except—

(i) at the request of the person importuned or of a military officer in whose presence the offence was committed; or

(ii) by or at the request of a member of the Military or Air Force Police, who is employed in the cantonment and authorised in this behalf by the Commanding Officer of the cantonment, and in whose presence the offence was committed or by or at the request of any police officer not below the rank of a sub-inspector who is employed in the cantonment and authorised in this behalf by the Commanding Officer of the cantonment.

Notice of police

**251.** It shall be the duty of all police officers to give immediate information to the Cantonment Authority of the commission of any offence against the provisions of this Act or of any rule or bye-law made thereunder, and to all cantonment officers and servants in the cantonment.

#### Notices.

Notice to be given in reasonable time

**252.** Where any notice, order or requisition made under this Act or any rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

Authentication and validity of notices issued by Cantonment Authority.

**253.** Every notice, order or requisition issued by a Cantonment Authority under this Act or any rule or bye-law made thereunder shall be signed—

(a) where there is a Board, either by the President of the Board or by the Executive Officer, or, where there is no Board, by the Executive Officer; or

(b) by the members of any committee especially authorised by the Cantonment Authority in this behalf.

Service of notice, etc.

**254.** (1) Every notice, order or requisition issued under this Act or any rule or bye-law made thereunder shall, save as otherwise expressly provided, be served or presented—

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice, order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the building or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either—

(a) by giving or tendering the notice, order or requisition or sending it by post, to the owner, lessee or occupier, or, if there are more owners, lessees or occupiers than one, on any one of them; or

(b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult male member or servant of the family of any such owner, lessee or occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

Method of giving notice

255. Every notice which, or under this Act, is to be given or served as a public notice, as a notice which is not required to be given to any individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous part of the office of the Cantonment Authority, or in such other public place, during such period, or is published in such local newspaper or in such other manner, as the Cantonment Authority may direct.

Powers of Cantonment Authority in case of non-compliance with notice

256. The Cantonment Authority may, in case of non-compliance with any notice, order or requisition issued to any person under this Act, or any bye-law made thereunder, require such person to execute any work or, if it shall be found that such person is in default, whether or not the person in default has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be recoverable by the Cantonment Authority.

#### *Recovery of Money.*

Liability of occupier to pay in default of owner

257. (1) If any such notice as is referred to in Section 256 has been given to any person in respect of property of which he is the owner, the Cantonment Authority may require any occupier of such property or of any part thereof to pay to it, instead of to the owner, any rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 256:

Provided that, if the occupier, on application made to him by the Cantonment Authority, refuses truly to disclose the amount of his rent or the name or address of the person to whom it is payable, the Cantonment Authority may recover from the occupier the whole amount recoverable under section 256.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

Relief to agents and trustees

258. (1) Where any person, by reason of his receiving the rent of immoveable property as an agent or trustee, or of his being as an agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the Cantonment Authority may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first monies which may come to his hands on behalf, or for the use, of the owner, and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

Method of recovery.

259. All money recoverable by a Cantonment Authority under this Act shall, save as otherwise expressly provided, be recoverable either by suit or, on application to a Magistrate, by



the distress and sale of the moveable property of the person from whom it is recoverable, and, if payable by the owner of any property as such, it shall, until it is paid, be a charge on the property.

#### Committees of Arbitration.

Application for  
a Committee of  
Arbitration.

**260.** In the event of any disagreement as to the liability of a Cantonment Authority to pay any compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the Cantonment Authority for the reference of the matter to a Committee of Arbitration, and the Cantonment Authority shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

Notice for  
convening a  
Committee of Arbitration.

**261.** When a Committee of Arbitration is to be convened, the Cantonment Authority shall cause a public notice to be published in the official gazette, and shall forthwith send copies of the notice to the District Magistrate, and to the other party concerned, and, as soon as may be, nominate such members of the Committee as it is entitled to nominate under section 262, and, by notice in writing, call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with the provisions of the Act.

Constitution of  
Committee of  
Arbitration

**262.** (1) Every Committee of Arbitration shall consist of five members, namely:—

- (a) a Chairman who shall be a person not in the service of the Government or the Cantonment Authority, and who shall be nominated by the Commanding Officer of the cantonment;
- (b) two persons nominated by the Cantonment Authority; and
- (c) two persons nominated by the other party concerned, who shall be persons liable to pay taxes in the cantonment and ordinarily resident therein or in the immediate vicinity thereof.

(2) If the Cantonment Authority or the other party concerned or the Commanding Officer of the cantonment fails within seven days of the date of issue of the notice referred to in section 261 to make any nomination which it or he is entitled to make or, if any member who has been so nominated declines or refuses to act and the Cantonment Authority or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

No person to be  
nominated who  
has direct interest  
or whose services  
are not immediately  
available.

**263.** (1) No person who has a direct interest in the matter under reference, or whose services are not immediately available for the purposes of the Committee, shall be nominated a member of a Committee of Arbitration.

(2) If, in the opinion of the District Magistrate, any person who has been nominated has a direct interest in the matter under reference, or is otherwise disqualified for nomination, or if the services of any such person are not immediately available as aforesaid, and if the Cantonment Authority or other person by whom any such person was nominated fails to nominate another member within seven days from the date on which it or he may be called upon to do so by the District Magistrate, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 262.

Meetings  
powers  
Committees  
Arbitration.

**264.** (1) When a Committee of Arbitration has been duly constituted, the Cantonment Authority shall, by notice in writing, inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(2) The Chairman of the Committee shall fix the time and place of meetings, and shall have power to adjourn any meeting from time to time as may be necessary.

(3) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and, on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

Decisions of  
Committee of  
Arbitration.

**265.** (1) The decision of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three of the other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final and binding.

#### *Prosecutions.*

Prosecutions

**266.** Save as otherwise expressly provided in this Act, no Court shall proceed to the trial of any offence made punishable by or under this Act, other than an offence specified in Schedule IV, except on the complaint of, or upon information received from, the Cantonment Authority concerned or a person authorised by the Cantonment Authority by a general or special order in this behalf.

Composition of  
offences

**267.** (1) A Cantonment Authority, or any person authorised by it, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act other than an offence under Chapter XIV :

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Cantonment Authority, unless and until the same has been complied with in so far as compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

#### *General Penalty Provisions.*

General penalty.

**268.** Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

Cancellation  
and suspension of  
licences.

**269.** Where any person to whom a licence has been granted under this Act or any agent or servant of such person commits a breach of any of the conditions thereof or of any bye-law made under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject to, which anything permitted by such licence is to be or may be done, the Cantonment Authority may, without prejudice to any other penalty which may have been incurred under this Act, by order in writing, cancel the licence or suspend it for such period as it thinks fit :

Provided that no such order shall be made until an opportunity has been given to the holder of the licence to show cause why it should not be made.

- (f) the creation and management of Provident Funds, and the circumstances in which, and the conditions subject to which, contributions thereto shall be made from cantonment funds and by servants of Cantonment Authorities;
- (g) the keeping of accounts by Cantonment Authorities and the manner in which such accounts shall be audited and published;
- (h) the definition of the persons by whom, and the manner in which, money may be paid out of a cantonment fund;
- (i) the preparation of estimates of income and expenditure by Cantonment Authorities and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned;
- (j) the regulation of the procedure of appeal of Arbitration; and
- (k) the prescribing of registers, statements and forms to be compiled and maintained by any authority for the purposes of the Act.

Supplemental provisions respecting rules

**281.** (1) A rule under section 280 may be made either generally for all cantonments or for the whole or any part of any one or more cantonments.

(2) All rules so made shall be published in the *Gazette of India* and in such other manner, if any, as the Governor General in Council may direct and, on such publication, shall have effect as if enacted in this Act.

Power to make bye-laws

**282.** Subject to the provisions of this Act and of the Rules made thereunder, a Cantonment Authority may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters in the cantonment, namely:—

- (1) the registration of births, deaths and marriages, and the taking of a census;
- (2) the enforcement of compulsory vaccination;
- (3) the regulation of the collection and recovery of taxes, tolls and fees under this Act and the refund of taxes;
- (4) the regulation or prohibition of any description of traffic in the streets;
- (5) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise shall be lighted;
- (6) the seizure and confiscation of ownerless animals straying within the limits of the cantonment;
- (7) the prevention and extinction of fire;
- (8) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon;
- (9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;
- (10) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;
- (11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;
- (12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;

- (13) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for the sale of articles or the exercise of any calling or the setting up of any booth or stall, and the fees chargeable for such use or occupation ;
- (14) the regulation and control of encamping grounds, pounds, washing-places, serais, hotels, dakhungalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms and places of public recreation, entertainment or resort ;
- (15) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption ;
- (16) the matters regarding which conditions may be imposed by licences granted under section 2 ;
- (17) the supervision of trades which are dangerous or offensive, and the measures to be taken to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom ;
- (18) the regulation of the erection of any enclosure, fence, tent, awning or other temporary structure of whatsoever material or nature on any land situated within the cantonment ;
- (19) the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provision being made for the laying out and location of streets ;
- (20) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places ;
- (21) the regulation of the grazing of animals ;
- (22) the fixing and regulation of the use of public bathing and washing places ;
- (23) the regulation of the posting of bills and advertisements, and of the position, size, shape or style of name-boards, sign-boards and sign-posts ;
- (24) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method ;
- (25) the rendering necessary of licences within the cantonment—
  - (a) for person working as job porters for the conveyance of goods ;
  - (b) for animals or vehicles let out on hire ;
  - (c) for the proprietors or drivers of vehicles, boats or other conveyances, or of animals, kept or plying for hire ; or
  - (d) for persons impelling or carrying such vehicles or other conveyances ;
- (26) the prescribing of the fee payable for any licence required under clause (25), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn ;
- (27) the regulation of the charges to be made for the services of such job porters and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances as are referred to in clause (25) ;
- (28) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and for the regulation or prohibition of which no provision is made elsewhere by or under this Act ;

- (29) the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent from or are not resident in, the cantonment, may be required to appoint as their agents, for all or any of the purposes of this Act or of any rule or bye-law made thereunder, persons residing within or near the cantonment;
- (30) the prevention of the spread of infectious or contagious diseases within the cantonment;
- (31) the segregation in, or the removal and exclusion from, the cantonment, or the destruction, of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease;
- (32) the supervision, regulation, conservation and protection from injury, contamination or trespass, of sources and means of public water-supply and of appliances for the distribution thereof whether within or without the limits of the cantonment;
- (33) the construction of drains which connect with water-works or the construction of drains or the construction of drains which shall or may be employed in such construction and maintenance;
- (34) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same;
- (35) the maintenance of schools, and the furtherance of education generally;
- (36) the regulation or prohibition of the cutting or destruction of trees or shrubs, or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Cantonment Authority to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of the landslips or of the formation of ravines or torrents, or the protection of land against erosion, or against the deposit thereon of sand, gravel or stones;
- (37) the rendering necessary of licences for the use of premises within the cantonment as stables or cow-houses or as accommodation for sheep, goats or fowls;
- (38) the control of the use in the cantonment of mechanical whistles, sirens or trumpets; and
- (39) generally for the regulation of the administration of the cantonment under this Act.

Penalty for breach of bye-law. Any bye-law made by a Cantonment Authority under this Act may provide that a contravention thereof shall be punishable—

- (a) with fine which may extend to one hundred rupees; or
- (b) with fine which may extend to one hundred rupees and, in the case of a continuing contravention, with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention, or
- (c) with fine which may extend to ten rupees for every day during which the contravention continues after the receipt of a notice from the Cantonment Authority by the person contravening the bye-law, requiring such person to discontinue such contravention.

Supplemental provisions regarding bye-laws.

284. (1) Any power to make bye-laws conferred by this Act is conferred subject to the condition of the bye-laws being made after previous publication and of their not taking effect until they have been approved and confirmed by the Local Government and published in the local official Gazette.

(2) The Local Government in confirming a bye-law may make any change therein which appears to it to be necessary.

(3) The Local Government may, after previous publication of its intention, cancel any bye-law which it has confirmed, and thereupon the bye-law shall cease to have effect.

Rules and bye-laws to be available for inspection and purchase

**285.** (1) A copy of all rules and bye-laws made under this Act shall be kept at the office of the Cantonment Authority and shall, during office hours, be open for inspection by any inhabitant of the cantonment.

(2) Copies of all such rules and bye-laws shall be kept at the office of the Cantonment Authority for sale to the public.

## CHAPTER XVII.

### SUPPLEMENTAL PROVISIONS

Extension of certain provisions of the Act and its application to places beyond cantonments.

**286.** The Local Government may, by notification in the local official Gazette, extend the provisions of this Act, subject to any conditions as to compensation or otherwise which it thinks fit to impose, to any area beyond a cantonment and in the vicinity thereof, with or without the provisions of Chapters IX, X, XI, XII, XIII, XIV and XV or of any rule or bye-law made under this Act for the cantonment which relates to the subject-matter of any of those Chapters, and every enactment, rule or bye-law so extended shall thereupon apply to that area as if the area were included in the cantonment.

Registration

**287.** (1) Paragraphs 2 and 3 of section 54, and sections 59, 107 and 123 of the Transfer of Property Act, 1882, with respect to the transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment.

IV of 1882

(2) Where a cantonment has not been constituted a sub-district or district for the purpose of the Indian Registration Act, 1908, under section 9 of that Act, the Registrar of the district in which the cantonment is situated shall cause a copy of such entries in Indexes Nos. I and II as relate to immovable property within the cantonment to be forwarded to the Cantonment Authority annually or at such shorter intervals as the Local Government may prescribe.

XVI of 1908.

Validity of notices and other documents

**288.** No notice, order, requisition, licence, permission in writing or other such document issued under this Act shall be invalid merely by reason of any defect of form.

Admissibility of document or entry as evidence

**289.** A copy of any receipt, application, plan, notice, order or other document or of any entry in a register, in the possession of a Cantonment Authority shall, if duly certified by the legal keeper thereof or other person authorised by the Cantonment Authority in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters.

Evidence by officer or servant of the Cantonment Authority

**290.** No officer or servant of a Cantonment Authority shall, in any legal proceeding to which the Cantonment Authority is not a party, be required to produce any register or document the contents of which can be proved under section 289 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the Court made for special cause.

Application of Act IV of 1899

**291.** For the purposes of the Government Buildings Act, 1899, cantonments and Cantonment Authorities shall be deemed to be municipalities and municipal authorities respectively.

IV of 1899

Repeals

**292.** The enactments mentioned in Schedule VI are repealed to the extent specified in the fourth column thereof:

Provided that licences and permits given under the Cantonments Act, 1910, and in force at the commencement of this Act, shall be deemed to have been given under this Act.

XV of 1910.

## SCHEDULE IV—concl'd.

1	2
Section.	Subject.
119 (6)	Letting loose, or setting on, ferocious dog.
125	Discharging fire-arms, etc., so as to cause danger.
176 (1)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
193 (2)	Destroying, etc., name affixed to building.
236	Feeding animal on filth.
240 (a)	Remaining in, or return to, a cantonment after notice of expulsion.

## SCHEDULE V.

## APPEALS FROM ORDERS.

(See section 274.)

1	2	3	4
Section.	Executive Order	Appellate Authority	Time allowed for appeal.
126	Cantonment Authority's notice to repair, protect or enclose a building, wall or anything affixed thereto, or well, tank, reservoir, pool, depression or excavation	Officer Commanding the District.	Thirty days from service of notice.
134	Cantonment Authority's notice to fill up well, tank, etc., or drain off or remove after	Officer Commanding the District.	Thirty days from service of notice.
137	Cantonment Authority's notice to provide sufficient drainage, etc.	Officer Commanding the District.	Fifteen days from service of notice.
140	Cantonment Authority's notice requiring a building to be repaired or altered so as to remove sanitary defects.	Officer Commanding the District.	Thirty days from service of notice.
176	Order of Commanding Officer of cantonment, on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding the District.	Thirty days from service of notice.
181	Cantonment Authority's refusal to sanction the erection or re-erection of a building	Officer Commanding the District.	Thirty days from date of refusal.
185	Cantonment Authority's notice to alter or demolish a building.	Officer Commanding the District.	Thirty days from service of notice.

SCHEDULE V—*concl'd.*

1	2	3	4
Section.	Executive Order.	Appellate Authority.	Time allowed for appeal.
188	Cantonment Authority's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, watercourse or water-pipe.	Officer Commanding the District.	Thirty days from service of notice.
206	Cantonment Authority's notice prohibiting or restricting the use of a building as a latrine-house.	Officer Commanding the District.	Twenty-one days from service of notice.
	disorderly person remove from camp and prohibiting him from re-entering it without permission.	Magistrate.	Twenty days from service of notice.

## SCHEDULE VI.

## ENACTMENTS REPEALED.

(See section 292.)

Year.	No.	Short title	Extent of repeal.
1910	XV	The Cantonments Act, 1910.	So much as has not been repealed.
1914	X	The Repealing and Amending Act, 1914.	So much of the First and Second Schedules as relates to the Cantonments Act, 1910.
1919	XVIII	The Repealing and Amending Act, 1919.	So much of the First Schedule as relates to the Cantonments Act, 1910.
1919	XXII	The Cantonments (Amendments) Act, 1919.	The whole.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.







# The Calcutta Gazette

WEDNESDAY, MAY 7, 1924.

*Acts of the Indian Legislature assented to by the Governor General.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 23rd March, 1924, and is hereby promulgated for general information :—

ACT NO. IV OF 1924.

*An Act to provide for the constitution of a Central Board of Revenue and to amend certain enactments for the purpose of conferring powers and imposing duties on the said Board.*

WHEREAS it is expedient to provide for the constitution of a Central Board of Revenue and to amend certain enactments for the purpose of conferring powers and imposing duties on the said Board ; It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Central Board of Revenue Act, 1924.

(2) It shall come into force on the first day of April, 1924.

Constitution of Central Board of Revenue.

2. As soon as may be after the commencement of this Act, the Governor General in Council shall constitute a Central Board of Revenue, consisting of one or more persons appointed by him, which shall be subject to the control of the Governor General in Council in the exercise of such powers and the performance of such duties as may be entrusted to it by the Governor General in Council or by or under any law.

Procedure of the Board

3. The Governor General in Council may make rules for the purpose of regulating the transaction of business by the Central Board of Revenue, and every order made or act done in accordance with such rules shall be deemed to be the order or act, as the case may be, of the Central Board of Revenue.

Amendments of enactments.

4. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof :

Provided that, where the power to make any appointment, or issue any notification, order, scheme or rule, or prescribe any form, is transferred by the operation of this Act from any authority to the Central Board of Revenue or any other authority, any such appointment, notification, order, scheme, rule, or form made, issued or prescribed by the first-mentioned authority before the commencement of this Act shall continue in force and be deemed to have been made issued or prescribed by the Central Board of Revenue or such other authority, as the case may be, unless and until it is superseded by an appointment, notification, order, scheme, rule or form made, issued or prescribed by the said Board or authority.

## THE SCHEDULE.

## ENACTMENTS AMENDED.

(See section 4.)

Year.	No.	Short title.	Amendments.
1878	VIII	The Sea Customs Act, 1878.	<p>1. In section 3— (1) for clause (a) the following clause shall be substituted, namely :—</p> <p>“(a) ‘Chief Customs-authority’ means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924, and in relation to any power or authority conferred on the Governor General in Council in the Gazette of India, transfer of the Central Board of Revenue to a Local Government, the Local Government may appoint in such office as the Local Government may appoint in</p> <p>(2) after clause (a) the following clause shall be inserted, namely :—</p> <p>“(k) ‘official Gazette’ means, in relation to a notification issued by a Local Government, the local official Gazette and, in relation to a notification issued by the Central Board of Revenue, the Gazette of India”</p> <p>2. For section 6 the following section shall be substituted, namely :—</p> <p>“6. The Governor General in Council may appoint such persons as he thinks fit to be officers of Customs, and to exercise the powers conferred, and perform the duties imposed, by this Act on such officers.”</p> <p>3. For section 7 the following section shall be substituted, namely :—</p> <p>“7. The Governor General in Council may delegate to any Local Government or to the Chief Customs-authority any power conferred upon him by section 6, and the Local Government or the Chief Customs-authority may delegate to any officer of Customs any power so delegated to it”</p> <p>4. In sections, 11, 12 and 14, for the words “The Local Government or, if so authorised by the Local Government, the Chief Customs authority” the words “The Chief Customs-authority” shall be substituted, and, in section 11, the words “within the territories administered by it” shall be omitted.</p> <p>5. In section 23, for the words “The Local Government” the words “The Chief Customs-authority” shall be substituted.</p> <p>6. In section 53, 74, 76, 79, 85, 96, 116, 128, 133 and 147, the word “local”, wherever it occurs in the expression “local official Gazette” shall be omitted.</p> <p>7. In section 88 for the words “the Local Government may from time to time direct” the words “the Chief Customs-authority may, with the concurrence of the Local Government, direct” shall be substituted.</p> <p>8. In section 128, for the words “the Local Government” the words “the Chief Customs-authority” shall be substituted.</p> <p>9. In section 133, for the words “the Local Government, subject to the control of the Governor General in Council,” the words “the Chief Customs-authority” shall be substituted</p>

Year.	No.	Short title.	Amendments.
1878	VIII	The Sea Customs Act, 1878-- <i>concl'd.</i>	<p>10. In section 155, after the words "the Local Government may" the words "with the previous sanction of the Governor General in Council" shall be inserted and for the words "by its own officers" the words "by officers of Government" shall be substituted.</p> <p>11. In section 157, for the words "The Local Government" the words "The Governor General in Council" shall be substituted.</p> <p>12. In section 188, for the words "the Local Government," in both places where they occur, the words "the Governor General in Council" shall be substituted.</p> <p>13. In section 191, for the words "The Local Government" the words "The Governor General in Council" shall be substituted.</p> <p>14. After section 204 the following section shall be inserted, namely :—</p> <p>* 205. Any notification published in the Gazette of India Publication of notifications in by the Chief Customs authority under section 53, section 74, section 76, section 79, section 85, section 128, section 133 or section 147 shall forthwith be republished in the local official Gazette of each province to which it relates."</p>
1896	II	The Cotton Duties Act, 1896.	<p>1. For clause (2) of section 3 the following clause shall be substituted, namely :—</p> <p>"(2) 'Chief Customs-authority' means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924, and includes, in relation to any power or duty which the Governor General in Council may, by notification in the Gazette of India, transfer from the Central Board of Revenue to a Local Government, the Local Government or such officer as the Local Government may appoint in that behalf :"</p> <p>2. In sub-clauses (b) and (c) of clause (3) of section 3 and in section 4, for the words "the Local Government" the words "the Chief Customs-authority" shall be substituted.</p> <p>3. In section 33, for the words "The Local Government" the words "The Governor General in Council, or, if so empowered by the Governor General in Council, the Local Government" shall be substituted.</p>
1908	X	The Indian Salt Duties Act, 1908.	In section 2, for the words "the Local Government" the words and figures "if so empowered by the Governor General in Council, the Local Government or the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924," shall be substituted.
1914	III	The Indian Copyright Act, 1914.	In sub-section (2) of section 6, for the words "the Local Government" the words "the Chief Customs-authority" shall be substituted.
1922	XI	The Indian Income-tax Act, 1922.	<p>1. After clause (4) of section 2 the following clause shall be inserted, namely :—</p> <p>"(4A) 'the Central Board of Revenue' means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924."</p> <p>2. In section 5—</p> <p>(i) in clause (a) of sub-section (1), for the words "a Board of Inland Revenue" the words "the Central Board of Revenue" shall be substituted; and</p> <p>(ii) sub-section (2) shall be omitted</p> <p>3. In clauses (6) and (11) of section 2, in sub-section (5) of section 5, in sub-section (6) of section 18, in sub-section (5) of section 46, in sub-section (1) of section 59, and in sub-section (3) of section 64, for the words "the Board of Inland Revenue" the words "the Central Board of Revenue" shall be substituted.</p>

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 28th March, 1924, and is hereby promulgated for general information:—

## ACT No. XI OF 1924.

*An Act further to amend the Indian Income-tax Act, 1922, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for certain purposes; and whereas the said Act appears in the First Part of the Act XI of 1922; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Income-tax (Amendment) Act, 1924.

(2) Sections 4, 5, 6 and 10 shall not come into force until the first day of April, 1924.

Amendment of section 2, Act IX of 1922.

2. In clause (12) of section 2 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), after the words "any other public body or" the word "any" shall be inserted.

Amendment of section 3, Act XI of 1922.

3. In section 3 of the said Act, for the words "individual, company, firm and Hindu undivided family" the words "individual, Hindu undivided family, company, firm and other association of individuals" shall be substituted.

Amendment of section 4, Act XI of 1922.

4. In clause (iv) of sub-section (3) of section 4 of the said Act, the words "or any Provident Insurance Society to which the Provident Insurance Societies Act, 1912, is, or, but for an exemption under that Act, would be, applicable" shall be omitted.

Amendment of section 15, Act XI of 1922.

5. In sub-section (1) of section 15 of the said Act, the words "or to any Provident Fund which complies with the provisions of the Provident Insurance Societies Act, 1912, or has been exempted from the provisions of that Act" shall be omitted.

Amendment of section 25, Act XI of 1922.

6. In section 25 of the said Act,—

(a) in sub-section (1) for the words and figures "commenced after the 31st day of March, 1922" the words and figures "on which income-tax was not at any time charged under the provisions of the Indian Income-tax Act, 1918" shall be substituted; and

(b) in sub-section (3) the words "which was in existence at the commencement of this Act, and" shall be omitted.

Amendment of section 55, Act XI of 1922.

7. In section 55 of the said Act, for the words "individual, unregistered firm, Hindu undivided family or company" the words "individual, Hindu undivided family, company, unregistered firm or other association of individuals, not being a registered firm," shall be substituted.

Amendment of section 56, Act XI of 1922.

8. In section 56 of the said Act, for the words "individual, unregistered firm, Hindu undivided family or company" the words "individual, Hindu undivided family, company, unregistered firm or other association of individuals" shall be substituted.

Amendment of,  
section 63, Act XI  
of 1922.

9. To sub-section (2) of section 63 of the said Act, after the words "member of the family" the words "and, in the case of any other association of individuals, be addressed to the principal officer thereof" shall be added.

Amendment of  
section 66, Act X  
of 1922.

10. In sub-section (3) of section 66 of the said Act after the words "the assessee may" the words "within six months from the date on which he is served with notice of the refusal" shall be inserted.

Retrospective  
Act.

11. The amendments made in the said Act by sections 3, 7, and 8 shall have effect as if they had been made on the first day of April, 1923, and income-tax and super-tax shall be deemed to have been chargeable for the year commencing on that day. Income-tax shall be chargeable for the year commencing on the first day of April, 1924, at the rate or rates applicable for those years to the total income of an individual, in respect of the income, profits and gains and of the total income, respectively, on which the rate of tax has been otherwise fixed by law.

H. MONCRIEFF SMITH,

Secretary to the Government of India.





# The Calcutta Gazette

WEDNESDAY, MAY 14, 1924.

## PART V.

**Acts of the Indian Legislature assented to By the Governor General.**

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 1st March, 1924, and is hereby promulgated for general information :—

#### ACT NO. III OF 1924.

*An Act to regulate the entry into and residence in British India of persons domiciled in other British Possessions.*

WHEREAS it is expedient to make provision for regulating the entry into and residence in British India of persons domiciled in the British Possessions on a basis of reciprocity ; It is hereby enacted as follows :—

Short title, commencement and extent.

1. (1) This Act may be called the Immigration into India Act, 1924.

(2) It shall come into force on such date as the Governor General in Council may notify in the *Gazette of India*.

(3) It shall extend to the whole of British India, including British Baluchistan.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "British Possession" means any part of His Majesty's Dominions other than British India, the United Kingdom and Ireland, and includes Protectorates and territories which are or may be administered by a Dominion as a mandatory on behalf of the League of Nations ;

(b) "entry" includes landing at any port in British India during the period of the ship's stay on her way to a destination outside British India.

Rules as regards entry into and residence in British India.

3. The Governor General in Council may make rules for the purpose of securing that persons not being of Indian origin, domiciled in any British Possession, shall have no greater rights and privileges, as regards entry into and residence in British India, than are accorded by the law and administration of such Possession to persons of Indian domicile.



Power to make  
rules.

4. The Governor General in Council may, without prejudice to the generality of the powers contained in section 2 of this Act, make rules—

- (a) to provide for the establishment of a suitable agency to administer the rules and to define its functions and powers ;
- (b) to provide suitable penalties for the contravention of such rules or attempt to contravene them, or the abetment of such contravention ; and
- (c) to authorise the arrest of any person contravening or reasonably suspected of contravening any such rule, and to prescribe the duties of public servants and others in regard to such arrests.

Person claiming  
exemption to  
establish case.

5. If any person alleged to be domiciled in any British Possession and to be subject to the provisions of this Act raises the plea that he is not so domiciled or that the provisions of the said Act do not apply to him, the onus of proving the truth of such plea shall lie on the person raising it.

D. MONCRIEFF SMITH,  
*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 19th March 1924, and is hereby promulgated for general information :—

## ACT NO. IX OF 1924.

*An Act further to amend the Indian Tariff Act, 1894, for certain purposes.*

Whereas it is expedient further to amend the Indian Tariff Act, 1894, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1924.

(2) It shall come into force on the 1st day of April, 1924.

Amendment of preamble to Act VIII of 1894

2. In the preamble to the Indian Tariff Act, 1894 (hereinafter referred to as the said Act), for the words "crossing the frontier of certain Foreign European Settlements in India and of the territories of certain Native Chiefs" the words "imported into or exported from British India by land" shall be substituted.

Substitution of new section 5, Act VIII of 1894

3. For section 5 of the said Act the following section shall be substituted, namely :—

Duties on imports and exports by land

"5. Where a duty of customs at any rate prescribed by or under this Act or any other law for the time being in force is leviable on any article when imported into, or on any article when exported from, a port in British India, the Governor General in Council may, by notification in the Gazette of India, direct that a duty of customs at the like rate shall be leviable on any such article when imported or exported, as the case may be, by land from or to any territory outside British India, which he may, by a like notification, declare to be foreign territory for the purposes of this section."

Amendment of section 8, Act VIII of 1894.

4. In section 8 of the said Act, the words, figure and brackets "sub-section (1), clause (b)," shall be omitted.

H. MONCRIEFF SMITH,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 9th March 1924, and is hereby promulgated for general information :—

ACT NO. VIII OF 1924.

*An Act further to amend the Sea Customs Act, 1878, for certain purposes.*

WHEREAS it is expedient further to amend the Sea Customs Act, 1878, for certain purposes herein appearing; It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Sea Customs (Amendment) Act, 1924.

(2) It shall come into force on the first day of April, 1924.

Amendment of section 20, Act VIII of 1878.

2. In section 20 of the Sea Customs Act, 1878, the proviso shall be omitted.

H. MONCRIEFF SMYTH,  
Secretary to the Government of India.



# The Calcutta Gazette

WEDNESDAY, MAY 21, 1924.

## PART V.

*Acts of the Indian Legislature assented to by the Governor General.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE following Act of the Indian Legislature received the assent of the Governor General on the 15th March 1924, and is hereby promulgated for general information :—

ACT NO. VI OF 1924.

*An Act to consolidate the law relating to Criminal Tribes.*

WHEREAS it is expedient to consolidate the law relating to criminal tribes; It is hereby enacted as follows :—

### *Preliminary.*

Short title and extent

1. (1) This Act may be called the Criminal Tribes Act, 1924. Sec. 1, Act III of 1911.

(2) It extends to the whole of British India.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,— Sec. 2, Act III of 1911.

(1) "district" includes a Presidency town and the town of Rangoon; Sec. 2, Act I of 1923.

(2) "District Magistrate" means, in the case of a Presidency town or the town of Rangoon, the Commissioner of Police;

(3) "Prescribed" means prescribed by rules made under this Act; and

(4) "Superintendent of Police" means, in the case of a Presidency town or the town of Rangoon, any officer appointed by the Local Government to perform the duties of a Superintendent of Police under this Act. Sec. 2, Act I of 1923.

*Notification of Criminal Tribes.*

Power to declare any tribe, gang or class a criminal tribe.

3. If the Local Government has reason to believe that any tribe, gang or class of persons, or any part of a tribe, gang or class, is addicted to the systematic commission of non-bailable offences, it may, by notification in the local official Gazette, declare that such tribe, gang or class or, as the case may be, that such part of the tribe, gang or class is a criminal tribe for the purposes of this Act.

Sec. 2 (1) and (3) and sec 3, Act III of 1911.

*Registration of Members of Criminal Tribes.*

Registration of members of criminal tribes.

4. The Local Government may direct the District Magistrate to make or to cause to be made a register of the members of any criminal tribe, or part of a criminal tribe, within his district.

Sec. 4, Act III of 1911.

Procedure in making register

5. Upon receiving such direction, the District Magistrate shall publish notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of the criminal tribe or part, as the case may be,

Sec. 5, Act III of 1911. Secs 4 & 12, Act I of 1923

- (a) to appear at a time and place therein specified before a person appointed by him in this behalf;
- (b) to give to that person such information as may be necessary to enable him to make the register; and
- (c) to allow their finger-impressions to be recorded;

Provided that the District Magistrate may exempt any member from registration and may cancel any such exemption.

Charge register of

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

Sec. 6, Act III of 1911

Alterations in register

7. (1) After the register has been placed in the keeping of the Superintendent of Police, no person's name shall be added to the register, and no registration shall be cancelled, except by, or under an order in writing of, the District Magistrate.

Sec. 7, Act III of 1911

(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the person concerned—

- (a) to appear before him or an authority appointed by him in this behalf at a time and place therein specified;
- (b) to give to him or such authority such information as may be necessary to enable the entry to be made; and
- (c) to allow his finger-impressions to be recorded.

Complaints of entries in register

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein or erase it therefrom, as he may think fit.

Sec. 8, Act III of 1911

Power to take finger-impressions at any time.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger-impressions of any registered member of a criminal tribe to be taken.

Sec. 9, Act III of 1911

Members of criminal tribes to report themselves or notify residence

10. The Local Government may, by notification in the local official Gazette, issue in respect of any criminal tribe either or both of the following directions, namely, that every registered member thereof shall, in the prescribed manner,

Sec. 10, Act III of 1911. Schedule I of Act XI, 1915.

- (a) report himself at fixed intervals;
- (b) notify his place of residence and any change of intended change of residence, and any absence or intended absence from his residence.

*Restriction of Movements of Criminal Tribes.*

Power to restrict movements of, or settle criminal tribes.

11. (1) If the Local Government considers that it is expedient that any criminal tribe, or any part or member of a criminal tribe, should be—

Sec. 2 and Schedule I, Act XXXVIII of 1920.

(a) restricted in its or his movements to any specified area,

Sec. 12, Act I of 1923.

(b) settled in any place of residence, the Local Government may, by notification in the local official Gazette, declare that such criminal tribe, part or member, as the case may be, shall be restricted in its or his movements to the area specified in the notification, or shall be settled in the place of residence so specified, as the case may be.

(2) Before making any such declaration, the Local Government shall consider the following matters, namely:—

(i) the nature and the circumstances of the offences in which the members of the criminal tribe or part or the individual member, as the case may be, are or is believed to have been concerned;

(ii) whether the criminal tribe, part or member follows any lawful occupation, and whether such occupation is a real occupation or merely a pretence for the purpose of facilitating the commission of crimes;

(iii) the suitability of the restriction area, or of the place of residence, as the case may be, which it is proposed to specify in the notification; and

(iv) the manner in which it is proposed that the persons to be restricted or settled shall earn their living within the restriction area or in the place of residence, and the adequacy of the arrangements which are proposed therefor.

Power to vary specified area or place of residence

12. The Local Government may by a like notification vary the terms of any notification issued by it under section 11 for the purpose of specifying another restriction area or another place of residence, as the case may be, and any officer empowered in this behalf by the Local Government may, by order in writing, vary any notification made under section 11 or under this section for the purpose of specifying another restriction area, or, as the case may be, another place of residence, in the same district.

Sec. 13, Act III of 1911

Secs. 5 & 12, Act I of 1923

Power of Local Government to restrict or settle criminal tribe in another province

13. Any notification made by the Local Government under section 11 or section 12 may specify, as the restriction area or as the place of residence, an area or place situated in any other province, provided that the consent of the Local Government of that province shall first have been obtained.

Secs. 5 & 12, Act I of 1923

Verification of presence of members of tribe within prescribed area or place of residence

14. Every registered member of a criminal tribe, whose movements have been restricted or who has been settled in a place of residence in pursuance of any notification under section 11 or section 12, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Sec. 14, Act III of 1911

Application of Act when criminal tribe is transferred from one province or district to another.

15. (1) Where, in pursuance of any such notification, any member of a criminal tribe is restricted in his movements to an area, or is settled in a place of residence, situated in a province other than that by the Local Government of which the notification under section 3 relating to the criminal tribe was issued, all the provisions of this Act and the rules made thereunder shall apply to him as if the notification under section 3 had been issued by the Local Government of such other province.

Secs. 7 & 12, Act I of 1923.

(2) If any criminal tribe, or any part of a criminal tribe, which has been registered under section 4 in any district, or any member of such tribe or part, is restricted in its or his movements to an area, or is settled in a place of residence, situated in another district (whether in the same province or not), the register or, as the case may be, the relevant entries or

entry therein shall be transferred to the Superintendent of Police of the last mentioned district, and all the provisions of this Act and the rules made thereunder shall apply as if the criminal tribe or part had been registered in that district, and the District Magistrate of that district shall have power to cancel any exemption granted under section 5.

#### *Settlements and Schools.*

Power to place tribe in settlement.

**16.** The Local Government may establish industrial, agricultural or reformatory settlements and may order to be placed in any such settlement any criminal tribe, or any part or member of a criminal tribe, in respect of which or of whom a notification has been issued under section 11: Sec. 16, Act III of 1921.

Provided that no such order shall be made unless the necessity for making it has been established to the satisfaction of the Local Government, after an inquiry held by such authority and in such manner as may be prescribed: Secs. 8 & 12, Act III of 1922.

Power to place children in schools and to apprentice them.

**17. (1)** The Local Government may establish industrial, agricultural or reformatory schools for children and may order to be separated and removed from the custody of their guardians and to be placed in any such school or school the children of members of any criminal tribe or part of a criminal tribe, in respect of which a notification has been issued under section 11. Sec. 17, Act III of 1911.  
Sec. 12, Act I of 1923.

**(2)** For every school established under sub-section (1), a Superintendent shall be appointed by the Local Government.

**(3)** The provisions of section 18 to 22 of the Reformatory Schools Act, 1897, shall, so far as may be, apply in the case of every school for children established under this section as if the Superintendent of such school were a Superintendent and the children placed in such school were youthful offenders within the meaning of that Act. VIII of 1897.

**(4)** For the purposes of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

**(5)** The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

Power to discharge or transfer persons from settlement or school.

**18.** The Local Government or any officer authorised by it in this behalf may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the province,— Sec. 18, Act III of 1911.  
Sec. 9, Act I of 1923.

(a) to be discharged, or

(b) to be transferred to some other settlement or school in the province.

Power to direct use of any settlement or school in British India for reception of persons.

**19.** Any order made under section 16, section 17 or section 18 may specify as the settlement or school in which any person is to be placed or to which he is to be transferred, as the case may be, any industrial, agricultural or reformatory settlement or school in any other province, provided that the consent of the Local Government of that province shall first have been obtained. Sec. 19, Act III of 1911.  
Schedule 1, Act XXVIII of 1920.

#### *Rules.*

Power to make rules.

**20. (1)** The Local Government may make rules to carry out the purposes and objects of this Act. Sec. 20, Act III of 1911.

**(2)** In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(a) the form and contents of the register referred to in section 4;

(b) the manner in which the notice referred to in section 5 shall be published and the means by which the persons whom it concerns, and the village-headmen, village watchmen and landowners and occupiers of the village in which such persons reside, and the agents of such landowners or occupiers, shall be informed of its publication;

- (c) the addition of names to the register and the erasure of names therein, and the mode in which the notice referred to in sub-section (2) of section 7 shall be given;
- (d) the manner in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence, or any absence or intended absence;
- (e) the nature of the restrictions to be observed by persons whose movements have been restricted by notifications under section 11 or section 12;
- (f) the circumstances in which members of a criminal tribe shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted;
- (g) the conditions as to holding passes under which persons shall be permitted to leave the place in which they are detained or confined, or the area to which their movements are restricted;
- (h) the form to be inserted in any such pass in regard to—
  - (i) the places where the holder of the pass may go or reside;
  - (ii) the persons before whom, from time to time, he shall be bound to present himself; and
  - (iii) the time during which he may absent himself;
- (i) the place and time at which, and the persons before whom, members of a criminal tribe shall attend in accordance with the provisions of section 14;
- (j) the authority by whom and the manner in which the inquiry referred to in section 16 shall be held;
- (k) the inspection of the residences and villages of any criminal tribe;
- (l) the terms upon which registered members of criminal tribes may be discharged from the operation of this Act;
- (m) the management, control and supervision of industrial, agricultural or reformatory settlements and schools;
- (n) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour; and
- (o) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it may seem expedient to remove.

Sec. 10, Act  
I of 1923.

Sec. 10, Act  
I of 1923.

#### *Penalties and Procedure.*

Penalties for failure to comply with terms of notice under section 5 or section 7.

21. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,—

Sec 21, Act  
III of 1911.

- (a) fails to appear in compliance with a notice issued under section 5 or section 7, or
- (b) intentionally omits to furnish any information required under either of those sections, or,
- (c) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or
- (d) refuses to allow his finger-impressions to be taken by any person acting under an order passed under section 9,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both,



Penalties for breach of rules.

**22.** (1) Whoever, being a registered member of a criminal tribe, contravenes a rule made under clause (e), clause (g) or clause (h) of section 20 shall be punishable with imprisonment for a term which may extend,—

Sec. 22, Act III of 1911.  
Sec. 11, Act I of 1923.

- (a) on a first conviction, to one year,
  - (b) on a second conviction, to two years, and
  - (c) on any subsequent conviction, to three years,
- or with fine which may extend to five hundred rupees, or with both.

(2) Whoever, being a registered member of a criminal tribe, contravenes any other rule made under section 20 shall be punishable,—

- (a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; and
- (b) on any subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(3) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence as defined in the Code of Criminal Procedure, 1898, may be arrested without a warrant by any officer in charge of a police-station or by any police-officer not below the rank of a sub-inspector.

Sec. 11, Act I of 1923.

Y of 1898

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

**23.** (1) Whoever, being a member of any criminal tribe and having been convicted of any of the offences under the Indian Penal Code specified in Schedule I, is convicted of the same or of any other such offence shall, in the absence of special reasons to the contrary which shall be stated in the judgment of the Court, be punished,—

Sec. 23, Act III of 1911.  
XLV of 1860.

- (a) on a second conviction, with imprisonment for a term of not less than seven years, and
- (b) on a third or any subsequent conviction, with transportation for life :

Provided that not more than one of any such convictions which may have occurred before the 1st day of March, 1911, shall be taken into account for the purposes of this sub-section.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for registered members of criminal tribe found under suspicious circumstances.

**24.** Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court —

XLV of 1860  
Sec. 24, Act III of 1911

- (a) that he was about to commit, or aid in the commission of, theft or robbery, or
- (b) that he was waiting for an opportunity to commit theft or robbery,

shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

Arrest of registered person found beyond prescribed limits.

**25.** (1) Whoever, being a registered member of a criminal tribe,—

Sec. 25, Act III of 1911

- (a) is found in any part of British India beyond the area or place of residence, if any, to which his movements have been restricted or in which he has been settled without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or
- (b) escapes from an industrial, agricultural or reformatory settlement or school,

may be arrested without warrant by any police-officer, village-headman or village-watchman, and may be taken before a Magistrate, who, on proof of the facts, shall order him to be removed to such area or place or to such settlement or school, as the case may be, there to be dealt with in accordance with this Act or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Act :

Provided that an order from the Local Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

Duties of village-headmen, village-watchmen, and owners or occupiers of land to give information in certain cases.

26. Every village-headman and village-watchman in a village in which any members of a criminal tribe reside, and every owner or occupier of land on which any such persons reside, and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police-station any information which he may obtain of—

Sec 26, Act III of 1911.

(a) the failure of any such person to appear and give information when required to do so by a notice issued under section 5 ; or

(b) the departure of any registered member of a criminal tribe from such village or from such land, as the case may be.

(2) Every village-headman and village-watchman in a village and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police-station any information which he may obtain of the arrival at such village or on such land, as the case may be, of any persons who may reasonably be suspected of being members of any criminal tribe.

Penalty for breach of such duties

27. Any village headman, village-watchman, owner or occupier of land, and the agent of any such owner or occupier, who fails to comply with the requirements of section 26, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

Sec 27, Act III of 1911

XLV of 1860

Power to deport certain criminal tribes to States in India.

28. The Local Government, if it is satisfied that adequate provision has been made by the law of any State in India for the restriction of the movements or the settlement in a place of residence of persons such as are referred to in section 3, and for securing the welfare of persons so restricted or settled, with the consent of the Prince or Chief of that Estate, direct the removal to that State of any criminal tribe, or part of a criminal tribe, for the time being in the province, and may authorise the taking of all measures, necessary to effect such removal :

Sec. 129, Act I of 1923.

Provided that no person shall be so removed if the Local Government is satisfied that he is a subject of His Majesty.

#### *Supplemental.*

Bar of jurisdiction of Courts in questions relating to certain notifications.

29. No Court shall question the validity of any notification issued under section 3, section 11, or section 12, on the ground that the provisions hereinbefore contained or any of them have not been complied with, or shall entertain in any form whatever the question whether they have been complied with ; but every such notification shall be conclusive proof that it has been issued in accordance with law.

Sec 28, Act III of 1911.

Repeals.

30. The enactments mentioned in Schedule II are hereby repealed to the extent specified in the fourth column thereof.

Sec. 29, Act III of 1911.

## SCHEDULE I.

(See section 23.)

## CHAPTER XII.

## SECTIONS.

- 231. Counterfeiting coin.
- 232. Counterfeiting Queen's coin.
- 233. Making or selling instrument for counterfeiting coin.
- 234. Making or selling instrument for counterfeiting Queen's coin.
- 235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239. Delivery of coin, possessed with the knowledge that it is counterfeit.
- 240. Delivery of Queen's coin possessed with the knowledge that it is counterfeit.
- 242. Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
- 243. Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

The Schedule, Act III of 1911.

## CHAPTER XVI.

## SECTIONS.

- 299. Culpable homicide.
- 307. Attempt to murder.
- 308. Attempt to commit culpable homicide.
- 31. Being a thug.
- 322. Voluntarily causing grievous hurt.
- 324. Voluntarily causing hurt by dangerous weapons or means.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328. causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 369. Kidnapping child under ten years with intent to steal from its person.

## CHAPTER XVII.

## SECTIONS.

- 382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.
- 383. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting person in fear of death or of grievous hurt in order to commit extortion.
- 390. Robbery.
- 391. Dacoity.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.

## • SECTIONS.

402. Assembling for purpose of committing dacoity.  
 457. Lurking house trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.  
 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.  
 459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.  
 460. All persons jointly concerned in lurking house trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

## SCHEDULE II.

(See section 30.)

1	2	3	4
Year.	Number.	Short title	Extent of repeal.
1911	III	The Criminal Tribes Act, 1911.	So much of the Act as has not been repealed.
1914	X	The Repealing and Amending Act, 1914.	So much of Schedule II as relates to the Criminal Tribes Act, 1911.
1915	XI	The Repealing and Amending Act, 1915.	So much of Schedule I as relates to the Criminal Tribes Act, 1911.
1920	XXXVIII	The Devolution Act, 1920.	So much of Schedule I as relates to the Criminal Tribes Act, 1911.
1923	I	The Criminal Tribes Amendment Act, 1923.	The whole Act.

H. MONCRIEFF SMITH,

Secretary to the Government of India.





# The Calcutta Gazette

WEDNESDAY, JUNE 4, 1924.

## PART V.

*Acts of the Indian Legislature assented to by the Governor General.*

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act, which has been assented to by the Governor General under the provisions of clause (b) of sub-section (1) of section 67B of the Government of India Act, and has been expressed to be made by the Governor General under the provisions of sub-section (2) of the same section, is hereby published for general information :—

*An Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix, maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax.*

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax ; it is hereby enacted as follows :—

VIM of  
1894.  
VI of 1898  
X of 1923.

Short title, extent and duration.

1. (1) This Act may be called the Indian Finance Act, 1924.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) Sections 2 and 4 shall remain in force only up to the 31st day of March 1925.

Fixation of salt duty.

2. (1) The provisions of section 7 of the Indian Salt Act, 1882, shall in so far as they enable the Governor General in Council to impose by rule made under that section a duty on salt manufactured in, or imported into, any part of British India other than Burma and Aden, be construed as if, with effect from the first day of March 1924, they imposed such duty

XII of 1882.

at the rate of one rupee and four annas per maund of eighty-two and two-sevenths pounds avoirdupois of salt manufactured in, or imported by land into, any such part, and such duty shall, for all the purposes of the said Act be deemed to have been imposed by rule made under that section.

(2) With effect from the first day of March 1924, section 2 of the Indian Finance Act, 1923, is hereby repealed.

Amendment of  
Act VII of 1894.

3. With effect from the first day of March 1924, the amendment specified in the First Schedule to this Act shall be made in Schedule II to the Indian Tariff Act, 1894.

VIII of  
1894.

Postal rates.

4. With effect from the first day of April 1924, the Schedule contained in the Second Schedule to this Act shall be inserted in the Indian Post Office Act, 1898, as the First Schedule to that Act.

VI of 1898.

Amendment of  
Act X of 1923.

5. In sub-section (7) of section 19 of the Indian Paper Currency Act, 1923, for the figures "1924" the figures "1925" shall be substituted.

X of 1923.

Income-tax and  
super-tax.

6. (1) Income-tax for the year beginning on the first day of April, 1924, shall be charged at the rates specified in Part I of the Third Schedule.

(2) The rates of super-tax for the year beginning on the first day of April 1924, shall, for the purposes of section 55 of the Indian Income-Tax Act, 1922, be those specified in Part I of the Third Schedule.

XI of 1922.

(3) For the purposes of the Third Schedule, "total income" means total income as defined in clause (15) of section 2 of the Indian Income Tax Act, 1922.

XI of 1922

#### SCHEDULE I.

Amendment to be made in Schedule II to the Indian Tariff Act, 1894.

(See section 3.)

After Item No. 46 the following Items shall be inserted, namely:—

"46A Undipped splints such as are ordinarily used for match making.	Pound ... ..	Four annas and six pies.
46B Veneers such as are ordinarily used for making match boxes, including boxes and parts of boxes made of such veneers.	Pound ... ..	Six annas.

#### SCHEDULE II.

Schedule to be inserted in the Indian Post Office Act, 1898.

(See section 4.)

#### THE FIRST SCHEDULE.

##### INLAND POSTAGE RATES.

(See section 7.)

##### Letters.

For a weight not exceeding two and a half tolas ... One anna.  
For every two and a half tolas, or fraction thereof, exceeding two and a half tolas. One anna.

**Postcards.**

Single	...	...	...	...	...	Half an anna.
Reply	...	...	...	...	...	One anna.

**Book, Pattern and Sample Packets.**

For every five tolas or fraction thereof	...	...	Half an anna.
--	-----	-----	---------------

**Registered Newspapers.**

For a weight not exceeding eight tolas	...	...	Quarter of an anna.
For a weight exceeding eight tolas and not exceeding twenty tolas.			Half an anna.
For every twenty tolas, or fraction thereof, exceeding twenty tolas.			Half an anna.

**Parcels.**

For a weight not exceeding twenty tolas	...	...	Two annas.
For a weight exceeding twenty tolas and not exceeding forty tolas.			Four annas.
For every forty tolas, or fraction thereof, exceeding forty tolas.			Four annas.

**SCHEDULE III.**

(See section 6.)

**PART I.****RATES OF INCOME-TAX.**

A. In the case of every individual, every unregistered firm and every Hindu undivided family—	Rate.
(1) When the total income is less than Rs. 2,000	Nil.
(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000	Five pies in the rupee.
(3) When the total income is Rs. 5,000 or upwards, but is less than Rs. 10,000.	Six pies in the rupee.
(4) When the total income is Rs. 10,000 or upwards, but is less than Rs. 20,000.	Nine pies in the rupee.
(5) When the total income is Rs. 20,000 or upwards, but is less than Rs. 30,000.	One anna in the rupee.
(6) When the total income is Rs. 30,000 or upwards, but is less than Rs. 40,000.	One anna and three pies in the rupee.
(7) When the total income is Rs. 40,000 or upwards	One anna and six pies in the rupee.
B. In the case of every company, and every registered firm, whatever its total income.	One anna and six pies in the rupee.

**PART II.****RATES OF SUPER-TAX.**

In respect of the excess over fifty thousand rupees of total income :—	Rate.
(1) In the case of every company	One anna in the rupee.
(2) (a) in the case of every Hindu undivided family—	
(i) in respect of the first twenty-five thousand rupees of the excess	Nil.
(ii) for every rupee of the next twenty-five thousand rupees of such excess	One anna in the rupee.



	Rate.
(b) in the case of every individual and every unregistered firm, for every rupee of the first fifty thousand rupees of such excess.	One anna* in the rupee.
(c) in the case of every individual, every unregistered firm and every Hindu undivided family—	
(i) for every rupee of the second fifty thousand rupees of such excess	One and a half annas in the rupee.
(ii) for every rupee of the next fifty thousand rupees of such excess.	Two annas in the rupee.
(iii) for every rupee of the next fifty thousand rupees of such excess.	Two and a half annas in the rupee.
(iv) for every rupee of the next fifty thousand rupees of such excess.	Three annas in the rupee.
(v) for every rupee of the next fifty thousand rupees of such cases.	Three and a half annas in the rupee.
(vi) for every rupee of the next fifty thousand rupees of such excess.	Four annas in the rupee.
(vii) for every rupee of the next fifty thousand rupees of such excess.	Four and a half annas in the rupee.
(viii) for every rupee of the next fifty thousand rupees of such excess.	Five annas in the rupee.
(ix) for every rupee of the next fifty thousand rupees of such excess.	Five and a half annas in the rupee.
(x) for every rupee of the remainder of the excess ...	Six annas in the rupee.

I assent to this Bill.

READING,

*Viceroy and Governor General.*

*The 26th March 1924.*

This Act has been made by me as Governor-General under the provisions of section 67B of the Government of India Act.

READING,

*Viceroy and Governor General.*

*The 26th March 1924.*

WHEREAS, I, Rufus Daniel, Earl of Reading, am of opinion that a state of emergency exists which justifies a direction by me that the Act to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, being an Act made by me under the provisions of section 67B of the Government of India Act, shall come into operation forthwith.

Now, therefore, in exercise of the power conferred by the proviso to sub-section (2) of that section, I do hereby direct accordingly.

READING,

*Viceroy and Governor General.*

*The 26th March 1924.*

H. MONCRIEFF SMITH,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 26th March 1924, and is hereby promulgated for general information :—

## ACT NO. X OF 1924.

*An Act further to amend the Indian Coinage Act, 1906, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Coinage Act, 1906, for certain purposes hereinafter appearing ;  
It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Coinage (Amendment) Act, 1924.

Amendment of section 15, Act III of 1906

2. In clause (b) of sub-section (1) of section 15 of the Indian Coinage Act, 1906 (hereinafter referred to as the said Act), for the words "notwithstanding anything contained in this Act or in any Act hereby repealed, but subject" the following shall be substituted, namely :—

"subject only to the provisions of section 15A and".

Insertion of new section 15A in Act III of 1906

3. After section 15 of the said Act the following section shall be inserted, namely :—

Power to call in coin.

"15A. Notwithstanding anything contained in section 12, section 13, section 14 or section 15, the Governor General in Council may, by notification in the Gazette of India, call in, with effect from such date as may be specified in the notification, any coin, of whatever date or denomination, referred to in any of those sections, other than the rupee and half-rupee referred to in sub-section (1) of section 12, and on and from the date so specified such coin shall cease to be a legal tender save at a Government currency office :

Provided that such coin shall continue to be a legal tender also at Government treasuries until the expiry of such further period, not being less than twelve months, as the Governor General in Council may fix by the notification."

H. MONCRIEFF SMITH,

*Secretary to the Government of India.*





# The Calcutta Gazette.

WEDNESDAY, JULY 9, 1924.

## PART V.

*Acts of the Indian Legislature assented to by the Governor General.*

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 13th June 1924, and is hereby promulgated for general information :—

ACT No. XIV OF 1924.

*An Act to provide for the fostering and development of the steel industry in British India.*

- WHEREAS it is expedient, in pursuance of the policy of discriminating protection of industries in British India with due regard to the well-being of the community, to provide for the fostering and development of the steel industry by increasing the import duties leviable on certain iron and steel articles and by enabling bounties to be granted to manufacturers in British India of certain such articles, and to determine the duties and bounties which shall be payable in respect of such articles during the first three years of the application of that policy to the said industry ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Steel Industry (Protection) Act, 1924.

Amendments of Act VIII of 1894.

2. (1) To section 3 of the Indian Traffic Act, 1894, the VIII of 1894 following sub-section shall be added, namely :—

“(4) If the Governor General in Council is satisfied, after such inquiry as he thinks necessary, that articles of any class chargeable with duty under Part VII of the second Schedule are being imported into British India from any place outside India at such a price as is likely to render ineffective the protection intended to be afforded by such duty to similar articles manufactured in India, he may, by notification in the *Gazette of India*, increase such duty to such extent as he thinks necessary either generally or in respect of such articles when imported from or manufactured in any country or countries specified in the notification.”

(2) In the Second Schedule to the same Act there shall be made the amendments specified in the Schedule to this Act.

(3) The amendments made by sub-section (2) shall have effect up to the 31st day of March 1927.

Bounties on  
steel rails and  
fish-plates.

3. On the production by any company, firm or other person engaged in the business of manufacturing steel of a certificate granted by an officer authorised by the Governor General in Council by order in writing in this behalf that such company, firm or other person has on a specified date, not earlier than the 1st day of April 1924, completed the manufacture of any steel rails of a weight per yard of not less than 30 pounds avoirdupois or of any fish-plates suitable for use with such rails, and that the rails or fish-plates have been wholly manufactured in British India from material wholly or mainly produced from Indian iron ore and comply with any specification for the time being prescribed or approved by the Railway Board for steel rails or fish-plates, as the case may be, the Governor General in Council shall cause to be paid to such company, firm or other person a bounty in respect of such rails or fish-plates at the following rate, namely:—

- (a) Rupees 32 per ton of rails or fish-plates the manufacture of which has been completed before the 1st day of April 1925;
- (b) Rupees 26 per ton of rails or fish-plates the manufacture of which has been completed on or after the 1st day of April 1925, and before the 1st day of April 1926;
- (c) Rupees 20 per ton of rails or fish-plates the manufacture of which has been completed on or after the 1st day of April 1926, and before the 1st day of April 1927.

Bounties on  
railway wagons

4. (1) The Governor General in Council may, in each of the financial years commencing on the 1st day of April 1924, 1925 and 1926, pay such sum, not exceeding seven lakhs of rupees in any one financial year, as he thinks fit by way of bounties upon iron or steel wagons in respect of each of which he is satisfied—

- (a) that it is suitable for the public carriage of animals or goods on a railway in India; and
- (b) that a substantial portion of the component parts thereof has been manufactured in British India.

(2) The Governor General in Council may, by notification in the *Gazette of India*, prescribe the conditions subject to which and the manner in which such bounties may be paid.

Conditions  
qualifying  
bounties

5. Notwithstanding anything contained in section 3 or section 4, no bounty in respect of steel rails, fish-plates or wagons shall be payable to or on behalf of any company, firm or other person not already engaged at the commencement of this Act in the business of manufacturing any one or other of such articles, unless such company, firm or person provides facilities to the satisfaction of the Governor General in Council for the technical training of Indians in the manufacturing processes involved in the business and, in the case of a company, unless—

- (a) it has been formed and registered under the Indian Companies Act, 1913; and
- (b) it has a share capital the amount of which is expressed in the memorandum of association in rupees; and
- (c) such proportion of the directors as the Governor General in Council has by general or special order prescribed in this behalf consists of Indians.

VII of 1913.

Statutory  
inquiry

6. The Governor General in Council shall, before the 31st day of March 1927, cause to be made by such persons as he may appoint in this behalf an inquiry as to the extent, if any, to which it is necessary to continue the protection of the steel industry and as to the duties and bounties which are necessary for the purpose of conferring such protection.

## THE SCHEDULE.

AMENDMENTS TO BE MADE IN SCHEDULE II TO THE  
INDIAN TARIFF ACT, 1924.

(See section 2.)

1. In the heading to Part II, after the words "liable to" the word "non-protective" shall be inserted.

2. For item No. 60 the following shall be substituted, namely:—

• "IRON alloys.

„ angle, channel and tee not otherwise specified (*see* No. 143).

„ bar and rod not otherwise specified (*see* No. 144).

„ pig.

„ rice bowls."

3. In Item No. 61—

(a) the second paragraph beginning with the signs and words " „ „ Beams, joists, pillars, girders and other structural shapes" and ending with the words "door and window fittings and the like; (*see* No. 90)" shall be omitted;

(b) after the words "nails, rivets and washers, all sorts" the words "not otherwise specified (*see* No. 145)" shall be inserted;

(c) after the words "plugs, valves, cocks and the like" the words "excluding pipes, tubes and fittings therefor otherwise specified (*see* No. 146)" shall be inserted;

(d) for the words "IRON OR STEEL, rails, chairs, sleepers, bearing and fish-plates, spikes (commonly known as dog-spikes), switches and crossings, other than those described in No. 63, also lever-boxes, clips and tie-bars" the following shall be substituted, namely:—

"IRON OR STEEL, railway track material not otherwise specified (*see* Nos. 63 and 152), including bearing plates, sleepers and fastenings therefor, lever-boxes;

„ tramway track material, including rails, fish-plates, tie-bars, switches, crossings and the like materials of shapes and sizes specially adapted for tramway tracks;"

(e) after the words "sheets and plates all sorts" the words "not otherwise specified (*see* Nos. 146, 147, 148, 153 and 154)" shall be inserted;

(f) for the words "wire, including fencing-wire, piano-wire and wire-rope, but excluding wire-netting (*see* No. 97)" the words "barbed and stranded fencing-wire and wire-rope" shall be substituted.

4. For Item No. 62 the following shall be substituted, namely:—

• "62. STEEL, angle and tee not otherwise specified (*see* No. 150).

„ bar and rod not otherwise specified (*see* Nos. 151 and 153).

„ alloy, crucible, shear, blister and tub, all kinds, and steel for springs and cutting tools made by any process.

„ ingots, blooms and billets, and slabs of a thickness of 1½ inches or more.

„ expanded metal."

5. In Item No. 63, for all the words beginning with the words "cylinders, girders and other material" and ending with the words "other materials for fencing" the following shall be substituted, namely:—

"sleepers and fastenings therefor; bearing plates, fish bolts and nuts, chairs, interlocking apparatus, brake-gear, couplings and springs, signals, turntables, weigh-bridges, carriages, wagons, traversers, dollies, trucks, and component parts thereof; switches, crossings and the like material made of alloy steel; also cranes and water-tanks when imported by or under the orders of a railway company."

6. In Item No. 87, for the words "CONVEYANCES, including" the words "CONVEYANCES not specified in No. 142, namely," shall be substituted.

7. After Part VI the following Part shall be added, namely:—

#### "PART VII.

Articles which are liable to protective duty at special rates.

No.	Name of Article.	Unit or method of assessment.	Rate of duty.
<b>Articles wholly or mainly manufactured.</b>			
<b>CONVEYANCES.</b>			
142	COAL TUBS, tipping wagons and the like conveyances designed for use on light rail track, if adapted to be worked by manual or animal labour and if made mainly of iron or steel; and component parts thereof made of iron or steel.	<i>Ad valorem</i>	25 per cent.
<b>METALS—IRON AND STEEL.</b>			
143	IRON angle, channel and tee—		
	(a) not fabricated, kinds other than galvanised, tinned or lead coated or Crown or superior qualities.	Ton	Rs. 20.
	(b) fabricated, all qualities	<i>Ad valorem</i>	15 per cent.
144	IRON, COMMON BAR, not galvanised, tinned or lead coated.	Ton	Rs. 35
145	IRON OR STEEL NAILS, wire or French	Cwt.	Rs. 3
146	IRON OR STEEL PIPES and tubes and fittings therefor, if rivetted or otherwise built up of plates or sheets.	<i>Ad valorem</i>	25 per cent.
147	IRON OR STEEL PLATES not under $\frac{1}{8}$ inch thick, including sheets $\frac{1}{8}$ inch thick or over—		
	(a) not fabricated, ship, tank, bridge and common qualities.	Ton	Rs. 30
	(b) fabricated, all qualities	<i>Ad valorem</i>	25 per cent.
	(c) cuttings, all qualities	Ton	Rs. 25
148	IRON OR STEEL SHEETS under $\frac{1}{8}$ inch thick—		
	(a) not fabricated		
	(i) black	Ton	Rs. 30
	(ii) galvanised	Ton	Rs. 45
	(b) fabricated, all qualities	<i>Ad valorem</i>	15 per cent.
	(c) cuttings, black or galvanised	<i>Ad valorem</i>	15 per cent.
149	IRON OR STEEL WIRE, other than barbed or wire rope or stranded fencing wire, or wirenetting (see No. 97).	Ton	Rs. 60

No.	Name of Article.	Unit or method of assessment.	Rate of duty.
150	STEEL, angle and tee, not galvanised, tinned, or lead coated and beam, channel, trough plate, piling and other structural sections—	.	.
	(a) fabricated ... ..	<i>Ad valorem</i>	25 per cent.
	(b) not fabricated ... ..	Ton	Rs. 30.
151	STEEL—BAR AND ROD.		
	Common merchant bar and rod, and bar and rod designed for the reinforcing of concrete, all sizes	Ton	Rs. 40.
152	STEEL RAILWAY TRACK MATERIAL—		
	(a) Rails 30 lbs. and over per yard and fish-plates therefor.	Ton	Rs 14.
	(b) Rails under 30 lbs. per yard and fish-plates therefor	Ton	Rs 40.
	(c) Spikes and tie bars ... ..	Ton	Rs. 40
	(d) Switches, crossings and the like material not made of alloy steel.	<i>Ad valorem</i>	25 per cent.
153	STEEL STRUCTURES, fabricated partially or wholly, not otherwise specified, if made mainly or wholly of steelbars, sections, plates or sheets, for the construction of buildings, bridges, tanks, well curbs, trestles, towers and similar structures or for parts therefor, but not including builders' hardware ( <i>see</i> No 90) or articles specified in Nos 51, 51A, 64 or 87	<i>Ad valorem</i>	25 per cent.
154	STEEL—		
	(a) Tinplates and tinned sheets, including tin taggers	Ton	Rs 60
	(b) Tinplate cuttings ... ..	<i>Ad valorem</i>	15 per cent."

MONCRIEFF SMITH,

Secretary to the Government of India.







# The Calcutta Gazette.

THURSDAY, NOVEMBER 6, 1924.

## PART V.

*Acts of the Indian Legislature assented to by the Governor General.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 18th September 1924, and is hereby promulgated for general information :—

ACT NO. XV OF 1924.

*An Act further to amend the Indian Motor Vehicles Act, 1914, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Motor Vehicles Act, 1914, for purposes hereinafter appearing ; VIII of 1914.  
It is hereby enacted as follows :—

Short title

1. This Act may be called the Indian Motor Vehicles (Amendment) Act, 1924.

Amendment of section 11, Act VIII of 1914.

2. In clause (a) of sub-section (2) of section 11 of the Indian Motor Vehicles Act, 1914, after the words "area in which" the words "and the duration for which" shall be inserted. VIII of 1914

H. MONCRIEFF SMITH,  
Secretary to the Government of India.





# The Calcutta Gazette

THURSDAY, NOVEMBER 20, 1924.

## PART V.

*Acts of the Indian Legislature assented to by the Governor General.*

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 24th September, 1924, and is hereby promulgated for general information :—

ACT No. XVI OF 1924.

*An Act further to amend the Indian Post Office Act, 1898, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Post Office Act, 1898, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Indian Post Office (Amendment) Act, 1924.

Short title.

VI of 1898.

2. Section 17 of the Indian Post Office Act, 1898 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of section 17, and to that section as re-numbered the following sub section shall be added, namely :—

Amendment of section 17, Act VI of 1898.

“(2) Where the Governor General in Council has directed that prepayment of postage or other sums chargeable under this Act in respect of postal articles may be made by prepaying the value denoted by the impressions of stamping machines issued under his authority, the impression of any such machine shall likewise be deemed to be a stamp issued by Government for the purpose of revenue within the meaning of the Indian Penal Code ”.

XLV of 1860.

3. To the *Explanation* to section 27 of the said Act the following shall be added, namely :—

Amendment of section 27, Act VI of 1898.

“and the impression of any stamping machine provided or authorised for the like purpose by or under the authority of the Government of such part, State or country ”.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 24th September, 1924, and is hereby promulgated for general information :—

## ACT NO. XVII OF 1924.

*An Act to amend the Imperial Bank of India Act, 1920.*

WHEREAS it is expedient to amend the Imperial Bank of India Act, 1920, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Imperial Bank of India (Amendment) Act, 1924. Short title

2. After section 13 of the Imperial Bank of India Act, 1920, the following section shall be inserted, namely :— Insertion of new section 13A in Act XLVII of 1920

“13A. Notwithstanding anything contained in Schedule I, the Bank may, either alone or conjointly with other persons, for the purpose of averting the winding up of any company as defined in section 13 having a share capital which is expressed in rupees in its memorandum of association or of any society registered under the Co-operative Societies Act, 1912, or, where any such company or society is being wound up, of facilitating the winding up, advance or lend money to, or open a cash-credit in favour of, such company or society or the liquidators thereof as the case may be, for any period upon the security of all or any of the assets whatsoever of such company or society.” Power of Bank to grant loans to certain other Banks

II of 1912

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*



# The Calcutta Gazette

WEDNESDAY, MARCH 5, 1924.

## PART VI.

**Bills Introduced in the Council of State and Legislative Assembly,  
Reports of Select Committees presented to the Council and  
Assembly and Bills published under Rule 18 of the Indian Legis-  
lative Rules.**

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 30th January 1924 :—

No. 1 of 1924.

*A Bill to consolidate the law relating to Criminal Tribes.*

WHEREAS it is expedient to consolidate the law relating to criminal tribes ; It is hereby enacted as follows :—

#### *Preliminary.*

Short title and extent

1. (1) This Act may be called the Criminal Tribes Act, 1924. • Sec. 1, Act III of 1911

(2) It extends to the whole of British India.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context, • Sec. 2, Act III of 1911

(1) " district " includes a Presidency-town and the town of Rangoon ; • Sec. 2, Act I of 1923

(2) " District Magistrate " means, in the case of a Presidency-town or the town of Rangoon, the Commissioner of Police ;

(3) " prescribed " means prescribed by rules made under this Act ; and

(4) " Superintendent of Police " means, in the case of a Presidency-town or the town of Rangoon, any officer appointed by the Local Government to perform the duties of a Superintendent of Police under this Act. • Sec. 2, Act I of 1923

*Notification of Criminal Tribes.*

Power to  
declare any tribe,  
gang or class a  
criminal tribe.

3. If the Local Government has reason to believe that any tribe, gang or class of persons, or any part of a tribe, gang or class, is addicted to the systematic commission of non-bailable offences, it may, by notification in the local official Gazette, declare that such tribe, gang or class, or, as the case may be, that such part of the tribe, gang or class, is a criminal tribe for the purposes of this Act.

Sec. 2 (1),  
and (3) and  
sec. 3, Act  
III of 1911.

*Registration of Members of Criminal Tribes.*

Registration of  
members of Criminal  
tribes

4. The Local Government may direct District Magistrate to make or to cause to be made a register of the members of any criminal tribe, or part of a criminal tribe, within his district.

Sec. 4, Act  
III of 1911.  
Secs. 3 & 12,  
Act I of 1923.

Procedure in  
making register

5. Upon receiving such direction, the District Magistrate shall publish notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of the criminal tribe or part, as the case may be,—

Sec. 5, Act  
III of 1911.  
Secs. 4 & 12,  
Act I of 1923

(a) to appear at a time and place therein specified before a person appointed by him in his behalf;

(b) to give to that person such information as may be necessary to enable him to make the register, and

(c) to allow their finger-impressions to be recorded:

Provided that the District Magistrate may exempt any member from registration and may cancel any such exemption.

Charge  
register.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought, in his opinion, to be made therein, either by way of addition or erasure.

Sec. 6, Act  
III of 1911

Alterations in  
register

7. (1) After the register has been placed in the keeping of the Superintendent of Police, no person's name shall be added to the register, and no registration shall be cancelled, except by, or under an order in writing of, the District Magistrate.

Sec. 7, Act  
III of 1911

(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the person concerned—

(a) to appear before him or an authority appointed by him in his behalf at a time and place therein specified;

(b) to give to him or such authority such information as may be necessary to enable the entry to be made; and

(c) to allow his finger-impressions to be recorded.

Complaints of  
entries in register.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register, either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein or erase it therefrom, as he may think fit.

Sec. 8, Act  
III of 1911.

Power to take  
finger-impressions  
at any time.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger-impressions of any registered member of a criminal tribe to be taken.

Sec. 9, Act  
III of 1911

Members of  
criminal tribes to  
report themselves  
or notify resi-  
dence

10. The Local Government may, by notification in the local official Gazette, issue in respect of any criminal tribe either or both of the following directions, namely, that every registered member thereof shall, in the prescribed manner,

Sec. 10, Act  
III of 1911

Schedule I of  
Act XI, 1915

- (a) report himself at fixed intervals ;
- (b) notify his place of residence and any change or intended change of residence, and any absence or intended absence from his residence.

#### *Restriction of Movements of Criminal Tribes.*

Power to re-  
strict movements  
of, or settle  
criminal tribes

11. (1) If the Local Government considers that it is expedient that any criminal tribe, or any part or member of a criminal tribe, should be—

Sec. 2 and  
Schedule I,  
Act XXXVII  
of 1920

- (a) restricted in its or his movements to any specified area, or

Sec. 12, Act  
I of 1923

(b) settled in any place of residence, the Local Government may, by notification in the local official Gazette, declare that such criminal tribe, part or member, as the case may be, shall be restricted in its or his movements to the area specified in the notification or shall be settled in the place of residence so specified, as the case may be.

(c) Before making any such declaration, the Local Government shall consider the following matters, namely:—

- (i) the nature and the circumstances of the offences in which the members of the criminal tribe or part or the individual member, as the case may be, are or is believed to have been concerned ;
- (ii) whether the criminal tribe, part or member follows any lawful occupation, and whether such occupation is a real occupation or merely a pretence for the purpose of facilitating the commission of crimes ;
- (iii) the suitability of the restriction area, or of the place of residence, as the case may be, which it is proposed to specify in the notification ; and
- (iv) the manner in which it is proposed to the persons to be restricted or settled shall earn their living within the restriction area or in the place of residence, and the adequacy of the arrangements which are proposed therefor.

Power to vary  
specified area or  
place of resi-  
dence

12. The Local Government may by a like notification vary the terms of any notification issued by it under section 11 for the purpose of specifying another restriction area or another place of residence, as the case may be, and any officer empowered in this behalf by the Local Government may, by order in writing, vary any notification made under section 11 or under this section for the purpose of specifying another restriction area, or, as the case may be, another place of residence, in the same district.

Sec. 13, Act  
III of 1911.

Secs. 5 &  
12, Act I of  
1923

Power of Local  
Government to  
restrict or settle  
criminal tribes in  
another province

13. Any notification made by the Local Government under section 11 or section 12 may specify, as the restriction area or as the place of residence, an area or place situated in any other province, provided that the consent of the Local Government of that province shall first have been obtained.

Secs. 6 & 12,  
Act I of  
1923

Verification of  
presence of mem-  
bers of tribe  
within pre-cribed  
area or place of  
residence

14. Every registered member of a criminal tribe, whose movements have been restricted or who has been settled in a place of residence in pursuance of any notification under section 11 or section 12, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Sec. 14, Act  
III of 1911



Application of Act when criminal tribe is transferred from one province or district to another

**15. (1)** Where, in pursuance of any such notification, any member of a criminal tribe is restricted in his movements to an area, or is settled in a place of residence, situated in a province other than that by the Local Government of which the notification under section 3 relating to the criminal tribe was issued, all the provisions of this Act and the rules made thereunder shall apply to him as if the notification under section 3 had been issued by the Local Government of such other province.

Secs. 7 & 12, Act I of 1923.

**(2)** If any criminal tribe, or any part of a criminal tribe, which has been registered under section 4 in any district, or any member of such tribe or part, is restricted in its or his movements to an area, or is settled in a place of residence, situated in another district (whether in the same province or not), the register or, as the case may be, the relevant entries or entry therein shall be transferred to the Superintendent of Police of the last mentioned district, and all the provisions of this Act and the rules made thereunder shall apply as if the criminal tribe or part had been registered in that district, and the District Magistrate of that district shall have power to cancel any exemption granted under section 5.

#### *Settlements and Schools.*

Power to place tribe in settlement.

**16.** The Local Government may establish industrial, agricultural or reformatory settlements and may order to be placed in any such settlement any criminal tribe, or any part or member of a criminal tribe, in respect of which or of whom a notification has been issued under section 3.

Sec. 16, Act III of 1911

Provided that no such order shall be made, unless the necessity for making it has been established to the satisfaction of the Local Government, after an inquiry held by such authority and in such manner as may be prescribed.

Secs. 8 & 12, Act I of 1923.

Power to place children in schools and to apprentice them

**17. (1)** The Local Government may establish industrial, agricultural or reformatory schools for children, and may order to be separated and removed from their parents or guardians and to be placed in any such school or schools the children of members of any criminal tribe, or part of a criminal tribe, in respect of which a notification has been issued under section 11

Sec. 17, Act III of 1911.  
Sec. 12, Act I of 1923

**(2)** For every school established under sub-section (1), a Superintendent shall be appointed by the Local Government.

**(3)** The provisions of sections 18 to 22 of the Reformatory Schools Act, 1897, shall, so far as may be, apply in the case of every school for children established under this section as if the Superintendent of such school were a Superintendent and the children placed in such school were youthful offenders within the meaning of that Act.

VII of 1897

**(4)** For the purposes of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

**(5)** The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

Power to discharge or transfer persons from settlement or school.

**18.** The Local Government or any officer authorised by it in this behalf may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the province—

Sec. 18, Act III of 1911

Sec. 9, Act I of 1923

(a) to be discharged, or

(b) to be transferred to some other settlement or school in the province.

Power to direct use of any settlement or school in British India for reception of persons.

**19.** Any order made under section 16, section 17 or section 18 may specify as the settlement or school in which any person is to be placed or to which he is to be transferred, as the case may be, any industrial, agricultural or reformatory settlement or school in any other province, provided that the consent of the Local Government of that province shall first have been obtained.

Sec. 19, Act III of 1911.  
Schedule I, Act XXXVIII of 1920

*Rules.*Power to make  
rules.

20. (1) The Local Government may make rules to carry out the purposes and objects of this Act.

Sec. 20, Act  
III of 1911.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(a) the form and contents of the register referred to in section 4;

(b) the manner in which the notices referred to in section 5 shall be published and the means by which the persons whom it concerns, and the village headmen, village watchmen and landowners and occupiers of the village in which such persons reside, and the agents of such landowners or occupiers, shall be informed of its publication;

(c) the addition of names to the register and the erasure of names therein, and the mode in which the notice referred to in sub-section (2) of section 7 shall be given;

(d) the manner in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence, or any absence or intended absence;

(e) the nature of the restrictions to be observed by persons whose movements have been restricted by notifications under section 11 or section 12;

(f) the circumstances in which members of a criminal tribe shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted;

Sec. 10, Act  
I of 1923

(g) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined, or the area to which their movements are restricted;

(h) the conditions to be inserted in any such pass in regard to—

(i) the places where the holder of the pass may go or reside;

(ii) the persons before whom, from time to time, he shall be bound to present himself; and

(iii) the time during which he may absent himself;

(i) the place and time at which, and the persons before whom, members of a criminal tribe shall attend in accordance with the provisions of section 14;

(j) the authority by whom and the manner in which the inquiry referred to in section 16 shall be held;

Sec. 10, Act  
I of 1923.

(k) the inspection of the residences and villages of any criminal tribe;

(l) the terms upon which registered members of criminal tribes may be discharged from the operation of this Act;

(m) the management, control and supervision of industrial, agricultural or reformatory settlements and schools;

(n) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour; and

- (o) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove.

*Penalties and Procedure.*

Penalties for failure to comply with terms of notice under section 5 or section 7.

**21.** Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,—

Sec 21, Act III of 1911.

- (a) fails to appear in compliance with a notice issued under section 5 or section 7, or
- (b) intentionally omits to furnish any information required under either of those sections, or,
- (c) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or
- (d) refuses to allow his finger-impressions to be taken by any person acting under an order passed under section 9,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalties for breach of rules

**22.** (1) Whoever, being a registered member of a criminal tribe, contravenes a rule made under clause (e), clause (g) or clause (h) of section 2 shall be punishable with imprisonment for a term which may extend,—

Sec 22, Act III of 1911.  
Sec 11, Act I of 1923.

- (a) on a first conviction, to one year,
- (b) on a second conviction, to two years, and
- (c) on any subsequent conviction, to three years,

or with fine which may extend to five hundred rupees, or with both.

(2) Whoever, being a registered member of a criminal tribe, contravenes any other rule made under section 20 shall be punishable,—

- (a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; and
- (b) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(3) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence as defined in the Code of Criminal Procedure, 1898 may be arrested without a warrant by any officer in charge of a police-station or by any police-officer not below the rank of a sub-inspector.

Sec. 11, Act I of 1923

V of

Enhanced punishment for certain offences by members of criminal tribe after previous conviction

**23.** (1) Whoever, being a member of any criminal tribe and having been convicted of any of the offences under the Indian Penal Code specified in Schedule I, is convicted of the same or of any other such offence shall, in the absence of special reasons to the contrary which shall be stated in the judgment of the Court, be punished,—

Sec 23, Act III of 1911.  
XLV of 1900.

- (a) on a second conviction, with imprisonment for a term of not less than seven years, and

(b) on a third or any subsequent conviction, with transportation for life :

Provided that not more than one of any such convictions which may have occurred before the 1st day of March, 1911, shall be taken into account for the purposes of this sub-section.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

XLV of 1862

Sec 24, Act III of 1911

Punishment for registered members of criminal tribe found under suspicious circumstances

24. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court—

- (a) that he was about to commit, or aid in the commission of, theft or robbery, or
- (b) that he was waiting for an opportunity to commit theft or robbery,

shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine, which may extend to one thousand rupees.

Arrest of registered person found beyond prescribed limits

25. (1) Whoever, being a registered member of a criminal tribe—

Section 25, Act III of 1911

- (a) is found in any part of British India, beyond the area of his place of residence, if any, to which his movements have been restricted or in which he has been settled without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or
- (b) escapes from an industrial, agricultural or reformatory settlement or school,

may be arrested without warrant by any police-officer, village-headman or village watchman, and may be taken before a Magistrate, who, on proof of the facts, shall order him to be removed to such area or place or to such settlement or school, as the case may be, there to be dealt with in accordance with this Act or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Act :

Provided that an order from the Local Government or from the Inspector-General of Prisons shall not be necessary for the removal for such persons.

Duties of village-headmen, village-watchmen, and owners or occupiers of land to give information in certain cases.

26. (1) Every village-headman and village-watchman in a village in which any members of a criminal tribe reside, and every owner and occupier of land on which any such persons reside, and the agent of any such owner or occupier, shall forthwith communicate to the officer-in-charge of the nearest police-station any information which he may obtain of—

Sec 26, Act III of 1911

- (a) the failure of any such person to appear and give information when required to do so by a notice issued under section 5 ; or
- (b) the departure of any registered member of a criminal tribe from such village or from such land, as the case may be

(2) Every village-headman and village-watchman in a village, and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer-in-charge of the nearest police-station any information which he may obtain of the arrival at such village or on such land, as the case may be, of any persons who may reasonably be suspected of being members of any criminal tribe.

Penalty for breach of such duties.

**27.** Any village-headman, village-watchman, owner or occupier of land, and the agent of any such owner or occupier, who fails to comply with the requirements of section 26 shall be deemed to have committed an offence punishable under the first part of section 186 of the Indian Penal Code.

Sec. 27, Act III of 1911.

XLV of 1860.

Power to deport certain criminal tribes to States in India.

**28.** The Local Government if it is satisfied that adequate provision has been made by the law of any State in India for the restriction of the movements or the settlement in a place of residence of persons such as are referred to in section 3, and for securing the welfare of persons so restricted or settled, may, with the consent of the Prince or Chief of that State, direct the removal to that State of any criminal tribe, or part of a criminal tribe, for the time being in the province, and may authorise the taking of all measures necessary to effect such removal:

Sec. 12, Act I of 1923.

Provided that no person shall be so removed if the Local Government is satisfied that he is a subject of His Majesty.

#### *Supplemental.*

Bar of jurisdiction of Courts in questions relating to certain notifications.

**29.** No Court shall question the validity of any notification issued under section 3, section 11, or section 12, on the ground that the provisions hereinbefore contained or any of them have not been complied with, or that all entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

Section 23, Act II of 1911.

Repeals.

**30.** The enactments mentioned in Schedule I are hereby repealed to the extent specified in the fourth column thereof.

Sec. 29, Act III of 1911.

### SCHEDULE I.

(See section 23.)

### CHAPTER XII.

#### SECTIONS.

- 231. Counterfeiting coin.
- 232. Counterfeiting Queen's coin.
- 233. Making or selling instrument for counterfeiting coin.
- 234. Making or selling instrument for counterfeiting Queen's coin.
- 235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239. Delivery of coin, possessed with the knowledge that it is counterfeit.
- 240. Delivery of Queen's coin, possessed with the knowledge that it is counterfeit.
- 242. Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
- 243. Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

The Schedule, Act III of 1911.

### CHAPTER XVI.

#### SECTIONS.

- 299. Culpable homicide.
- 307. Attempt to murder.
- 308. Attempt to commit culpable homicide.
- 310. Being a thug.

## ● SECTIONS.

- 322. Voluntarily causing grievous hurt.
- 324. Voluntarily causing hurt by dangerous weapons or means.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.
- 339. Kidnapping child under ten years with intent to steal from its person.

## CHAPTER XVII.

## ● SECTIONS.

- 382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.
- 383. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting person in fear of death or of grievous hurt in order to commit extortion.
- 390. Robbery.
- 391. Dacoity.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 402. Assembling for purpose of committing dacoity.
- 457. Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.
- 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459. Grievous hurt caused whilst committing, lurking house-trespass or house-breaking.
- 460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

## SCHEDULE II.

(See section 30.)

1	2	3	4
Year.	Numbers.	Short title.	Extent of repeal.
1911	III	The Criminal Tribes Act, 1911.	So much of the Act as has not been repealed.
1914	X	The Repealing and Amending Act, 1914.	So much of Schedule II as relates to the Criminal Tribes Act, 1911.
1915	XI	The Repealing and Amending Act, 1915.	So much of Schedule I as relates to the Criminal Tribes Act, 1911.
1920	XXXVIII	The Devolution Act, 1920.	So much of Schedule I as relates to the Criminal Tribes Act, 1911.
1923	I	The Criminal Tribes (Amendment) Act, 1923.	The Criminal Tribes Act, 1911.

## TABLES SHOWING DISTRIBUTION IN THE BILL OF SECTIONS OF ACTS REPEALED BY THE BILL.

*The Criminal Tribes Act, 1911 (III of 1911).*

Section of Act.	Clause of Bill.	REMARKS.
1	1	
2	2 and 3	
3	3	
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	Substituted by Schedule I, Act XXXVIII of 1920.
12	12	Repealed by Schedule I, Act XXXVIII of 1920.
13	13	
14	14	
15	15	Substituted by section 7, Act I of 1923.
16	16	
17	17	
18	18	
19	19	
20	20	
21	21	
22	22	
23	23	
24	24	
25	25	
26	26	
27	27	
28	30	
29		Repealed by Act X of 1914, Schedule II.

*The Criminal Tribes (Amendment) Act, 1923*  
(1 of 1923).

Section of Act.	Clause of Bill.	REMARKS.
1	...	
2	2	
3	4	
4	5	
5	12	
6	13	
7	15	
8	16	
9	18	
10	20	
11	22	
12	4, 5, 11, 12, 13, 14, 15, 16, 17 and 28	

• STATEMENT OF OBJECTS AND REASONS.

The law relating to criminal tribes has to be collected from five Acts of the Legislature. The original Act, the Criminal Tribes Act, 1911, has been amended on four occasions, and an additional difficulty arises from the fact that some of the amendments were made in Schedules to other Acts. The present Bill, which is, save for one slight alteration, purely a consolidating measure, brings the law together in the compass of one enactment. The alteration referred to is the substitution in clause 14 of the word "who" for the word "which." This is necessitated by the fact that, since the enactment of the amending Act, 1 of 1923, individual members of a criminal tribe may be restricted to an area or settled in a place of residence.

G. S. KHAPARDE.

The 28th January 1924.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.







# The Calcutta Gazette

WEDNESDAY, MARCH 12, 1924.

## PART VI.

**Bills introduced in the  
Reports of Select  
Committees and Bills  
introduced under Rule 18 of the Indian Legis-  
lative Rules.**

**All Bills of State and Legislative Assembly,  
presented to the Council and  
passed under Rule 18 of the Indian Legis-**

## GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 1st February 1924 :

No. 3 of 1924.

*A Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Income-tax Act, 1922, for certain purposes hereinafter appearing ; It is hereby enacted as follows :

Short title and  
commencement

1. (1) This Act may be called the Indian Income-tax (Amendment) Act, 1924.

(2) Sections 3, 4, 5 and 9 shall not come into force until the first day of April 1924.

Amendment of  
section 3, Act XI  
of 1922

2. In section 3 of the Indian Income-tax Act, 1922 (hereinafter referred to as the said Act), for the words " individual, company, firm and Hindu undivided family " the words " individual, Hindu undivided family, company, firm and other association of individuals " shall be substituted.

Amendment of  
section 4, Act XI  
of 1922.

3. In clause (iv) of sub-section (3) of section 4 of the said Act, the words " or any Provident Insurance Society to which the Provident Insurance Societies Act, 1912, is, or, but for an exemption under that Act, would be, applicable " shall be omitted.

Amendment of  
section 15, Act XI  
of 1922

4. In sub-section (1) of section 15 of the said Act, the words " or to any Provident Insurance Society which complies with the provisions of the Provident Insurance Societies Act, 1912, or has been exempted from the provisions of that Act " shall be omitted.

Amendment of  
section 35, Act XI  
of 1922.

5. In section 25 of the said Act—

- (a) In sub-section (1) for the words and figures "commenced after the 31st day of March 1922," the words and figures "on which income tax was not at any time charged under the provisions of the Indian Income-tax Act, 1918" shall be substituted; and
- (b) in sub-section (3) the words "which was in existence at the commencement of this Act, and" shall be omitted.

Amendment of  
section 55, Act XI  
of 1922.

6. In section 55 of the said Act, for the words "individual, unregistered firm, Hindu undivided family or company" the words "individual, Hindu undivided family, company, unregistered firm or other association of individuals, not being a registered firm," shall be substituted.

Amendment of  
section 56, Act XI  
of 1922.

7. In section 56 of the said Act, for the words "individual unregistered firm, Hindu undivided family or company" the words "individual, Hindu undivided family, company, unregistered firm or other association of individuals" shall be substituted.

Amendment of  
section 63, Act XI  
of 1922.

8. In sub-section (2) of section 63 of the said Act, after the words "in the case of a firm or" the words "other association of individuals not being a company" shall be inserted, and after the word "firm" the words "or other association" shall be inserted.

Amendment of  
section 66, Act XI  
of 1922.

9. In sub-section (3) of section 66 of the said Act, after the words "the assessee may" the words "within one month from the date of the refusal" shall be inserted.

Retro-spective  
effect

10. The amendments made in the said Act by sections 2, 6 and 7 shall have effect as if they had been made on the first day of April 1923, and income-tax and super-tax shall be deemed to have been chargeable for the year commencing on the date in respect of the income, profits and gains and of the total income, respectively, of the previous year of every association of individuals, not being a company or a registered firm, at the rate or rates applicable for that year to the total income of an individual.

#### STATEMENT OF OBJECTS AND REASONS.

The Income-tax Act, 1922, does not provide for the assessment of the income profits or gains of an Association or Club which is neither a Company nor a firm nor a Hindu undivided family. This is an omission as it was always intended to tax Associations or Clubs. Clauses 2, 6, 7 and 8 of the Bill give effect to this intention, while clause 10 validates assessments made during the current year.

2. The Provident Insurance Societies Act, 1912, was never intended to apply to the Provident Funds of private companies and firms, but in certain provinces such Funds have been exempted from the provisions of that Act, with the result that they enjoy the concession given by sections 4 (3) (iv) and 15 (1) of the Income-tax Act, 1922. As it was never intended to grant this concession to private Provident Funds, it is proposed to omit all references to Provident Insurance Societies from sections 4 (3) (iv) and 15 (1) of the Act.

3. There is no provision in the Act for the assessment of a business, profession or vocation which was in existence at the commencement of the Act but on which no tax was charged at any time under the provisions of the Income-tax Act, 1918 (VII of 1918). Clause 3 of the Bill rectifies this omission.

4. At present there is no period within which an assessee should apply to the High Court for the issue of a *mandamus* under section 66 (3) of the Act, with the result that applications are occasionally made several months after the Commissioner has refused to state the case to the High Court. Clause 9 of the Bill prescribes a period within which such applications should be made.

DELHI, . . .

7th 18th January 1924.

BASIL P. BLACKETT.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 6th February 1924 :—

No. 5 OF 1924.

*A Bill further to amend the Indian Tariff Act, 1894, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1924.

(2) It shall come into force on the 1st day of April, 1924.

Amendment of preamble to Act VIII of 1894.

2. In the preamble to the Indian Tariff Act, 1894 (hereinafter referred to as the said Act), for the words "crossing the frontier of Foreign European Settlements in India and of certain Native Chiefs" the words "imported or exported from British India by land" shall be substituted.

Substitution of new section for section 5, Act VIII of 1894.

3. For section 5 of the said Act the following section shall be substituted, namely :—

Duties on imports and exports by land.

"5. Where a duty of customs of any rate prescribed by or under this Act or any other law for the time being in force is leviable on any article when imported into, or any article when exported from, a port in British India, the Governor General in Council may, by notification in the *Gazette of India*, direct that a duty of customs at the like rate shall be leviable on any such article when imported or exported, as the case may be, by land from or to any territory outside British India, which he may, by a like notification, declare to be foreign territory for the purposes of this section."

Amendment of section 8, Act VIII of 1894.

4. In section 8 of the said Act, the words, figure and brackets "sub-section (1), clause (b)," shall be omitted.

#### STATEMENT OF OBJECTS AND REASONS.

It has come to notice that matches, cigarettes, etc., on which import duties are leviable when imported by sea are being brought into India in considerable quantities over certain land frontiers. The Government of India have not at present power to levy duties on articles following these land routes as the Indian Tariff Act, 1894 (VIII of 1894) only authorises the levy of duty on goods crossing the frontier of certain Foreign European Settlements in India and of such territory of any Indian Chief as is declared to be foreign territory for the purposes of section 5 of that Act. The object of this Bill is to revise this Act to enable the Government of India to levy customs duties on any articles imported or exported, as the case may be, by land from or to any territory outside British India which is declared to be foreign territory for the purposes of the Act.

DELHI ;

The 17th January 1924.

C. A. INNES.

H. MONCRIEFF SMITH,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 6th February 1924 :—

No. 7 OF 1924.

*A Bill to provide for the constitution of a Central Board of Revenue and to amend certain enactments for the purpose of conferring powers and imposing duties on the said Board.*

WHEREAS it is expedient to provide for the constitution of a Central Board of Revenue and to amend certain enactments for the purpose of conferring powers and imposing duties on the said Board; It is hereby enacted as follows:

Short title and commencement.

1. (1) This Act may be called the Central Board of Revenue Act, 1924.

(2) It shall come into force on the first day of April, 1924.

Constitution of Central Board of Revenue.

2. As soon as may be after the commencement of this Act, the Governor General in Council shall constitute a Central Board of Revenue, consisting of one or more persons appointed by him, which shall be subject to the control of the Governor General in Council in the exercise of all powers and the performance of such duties as may be entrusted to it by the Governor General in Council or by any law.

Procedure of the Board.

3. The Governor General in Council may make rules for the purpose of regulating the transaction of business by the Central Board of Revenue, and every order made or act done in accordance with such rules shall be deemed to be the order or act, as the case may be, of the Central Board of Revenue.

Amendments of enactments

4. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof:

Provided that, where the power to make any appointment, or issue any notification, order, scheme or rule, or prescribe any form, is transferred by the operation of this Act from any authority to the Central Board of Revenue or any other authority, any such appointment, notification, order, scheme, rule, or form made, issued or prescribed by the first-mentioned authority before the commencement of this Act shall continue in force and be deemed to have been made, issued or prescribed by the Central Board of Revenue or such other authority, as the case may be, unless and until it is superseded by an appointment, notification, order, scheme, rule, or form made, issued or prescribed by the said Board or authority.

## THE SCHEDULE.

## ENACTMENTS AMENDED.

(See section 4.)

Year.	No.	Short title.	Amendments.
1878	VIII	The Sea Customs Act, 1878.	<p>1. In section 3—</p> <p>(1) for clause (a) the following clause shall be substituted, namely :—</p> <p>“(a) ‘Chief customs authority’ means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924, and includes, in relation to any power or duty which the Governor General in Council may, by notification in the Gazette of India, transfer from the Central Board of Revenue to a Local Government, the Local Government or such officer as the Local Government may appoint in that behalf”; and</p> <p>(2) after clause (j) the following clause shall be inserted, namely —</p> <p>“(k) ‘Official Gazette’ means in relation to a notification issued by a Local Government, the local official Gazette and, in relation to a notification issued by the Central Board of Revenue, the Gazette of India.”</p> <p>2. For section 6 the following section shall be substituted, namely :—</p> <p>“6. The Governor General in Council may appoint such persons as he thinks fit to be officers of Customs, and exercise the powers conferred, and perform the duties imposed, by this Act on such officers.”</p> <p>3. For section 7 the following section shall be substituted, namely :—</p> <p>“7. The Governor General in Council may delegate to any Local Government or to the Chief Customs authority any power conferred upon him by section 6, and the Local Government or the Chief Customs authority may delegate to any officer of Customs any power so delegated to it.”</p> <p>4. In sections 11, 12 and 14, for the words “The Local Government or, if so authorised by the Local Government, the Chief Customs authority” the words “The Chief Customs authority” shall be substituted, and, in section 11, the words “within the territories administered by it” shall be omitted.</p>

Appointment of  
Customs-officers

Delegation of  
powers under sec-  
tion 6.

Year.	No.	Short title.	Amendments.
1878	VIII	The Sea Customs Act, 1878— <i>contd.</i>	<p>5. In section 23, for the words "The Local Government" the words "The Chief Customs-authority" shall be substituted.</p> <p>6. In sections 53, 74, 76, 79, 85, 96, 116, 128, 133 and 147, the word "local", wherever it occurs in the expression "local official Gazette", shall be omitted.</p> <p>7. In section 88, for the words "the Local Government may from time to time direct" the words "the Chief Customs-authority may, with the concurrence of the Local Government, direct" shall be substituted.</p> <p>8. In section 156, for the words "the Local Government" the words "the Chief Customs-authority" shall be substituted.</p> <p>9. In section 157, for the words "the Local Government, subject to the control of the Governor General in Council" the words "the Chief Customs-authority" shall be substituted.</p> <p>10. In section 155, after the words "the Local Government may" the words "with the previous sanction of the Governor General in Council" shall be inserted, and for the words "its own officers" the words "by officers of Government" shall be substituted.</p> <p>11. In section 157, for the words "the Local Government", the words "The Chief Customs-authority" shall be substituted.</p> <p>12. In section 188, for the words "the Local Government," in both places where they occur, the words "the Governor General in Council" shall be substituted.</p> <p>13. In section 191, for the words "The Local Government" the words "The Governor General in Council" shall be substituted.</p> <p>14. After section 204 the following section shall be inserted, namely:—</p> <p>205. Any notification published in the Gazette of India by the Chief Customs-authority under section 53, section 74, section 76, section 79, section 85, section 96, section 116, section 128, section 133 or section 147 shall forthwith be re-published in the local official Gazette of each province to which it relates."</p>

Publication of  
notification in  
local official  
Gazette.

by  
the  
Chief  
Customs  
Authority.

The  
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Year.	No.	Short title.	Amendments.
1896	II	The Cotton Duties Act, 1896.	<p>1. For clause (2) of section 3 the following clause shall be substituted, namely :—</p> <p>“(2) ‘Chief Customs Authority’ means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924, and includes, in relation to any power or duty which the Governor General in Council may, by notification in the Gazette of India, transfer from the Central Board of Revenue to a Local Government, the Local Government or such officer as the Local Government may appoint in that behalf.”</p> <p>2. In sub-clauses (b) and (c) of clause (3) of section 3 and in section 4, for the words “the Local Government” the words “the Chief Customs Authority” shall be substituted.</p> <p>3. In section 33, for the words “The Local Government” the words “The Governor General in Council, or, if so empowered by the Governor General in Council, the Local Government” shall be substituted.</p>
1908	X	The Indian Salt-duties Act, 1908.	In section 2, for the words “the Local Government” the words and figures “if so empowered by the Governor General in Council, the Local Government or the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924” shall be substituted.
1914	III	The Indian Copyright Act, 1914.	In sub-section (2) of section 6, for the words “the Local Government” the words “the Chief Customs authority” shall be substituted.
1922	XI	The Indian Income-tax Act, 1922.	<p>1. After clause (4) of section 2 the following clause shall be substituted, namely :—</p> <p>“(4A) ‘the Central Board of Revenue’ means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924.”</p> <p>2. In section 5—</p> <p>(i) in clause (a) of sub-section (1), for the words “a Board of Inland Revenue” the words “the Central Board of Revenue” shall be substituted; and</p> <p>(ii) sub-section (2) shall be omitted.</p> <p>3. In clauses (6) and (11) of section 2, in sub-section (5) of section 5, in sub-section (6) of section 18, in sub-section (5) of section 46, in sub-section (1) of section 59, and in sub-section (3) of section 64, for the words “the Board of Inland Revenue” the words “the Central Board of Revenue” shall be substituted.</p>



## STATEMENT OF OBJECTS AND REASONS.

The Indian Retrenchment Committee, 1922-23, in paragraph 19 of Part IV of their Report recommended that, in order to free the Government of India Secretariat proper from the functions of detailed administrative control exercised by it in the past, the scope of the present Board of Inland Revenue should be enlarged to include Customs Salt, Opium and also Excise and Stamps, so far as the Central Government was concerned with these subjects.

The Government, with the approval of the Secretary of State, have decided to adopt this recommendation, and to constitute a Central Board of Revenue in which the Board of Inland Revenue created by the Indian Income-tax Act, 1922, will be merged.

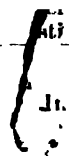
The present Bill is designed to provide for the constitution of such a Board on a statutory basis, to transfer to it the functions of the Board of Inland Revenue under the Income-tax Act, and also to appoint it as the Chief Customs-authority under the Sea Customs Act, 1878. The Bill further provides for the transfer to the Central Board of Revenue of most of the powers and duties assigned by the Sea Customs Act to Local Governments. This centralization of the administration of the Customs Department is a natural consequence of the clearer delimitation under the Reforms Scheme of the respective spheres of the Central and Provincial Governments, and this concentration of authority in the hands of an administrative body in close touch with the Departments of the Government of India will render it possible to give the desired relief to the Secretariat.

The Bill reserves to the Governor General in Council power to transfer to Local Governments any of the functions of the new Chief Customs-authority, and this power will be exercised in regard to certain minor Customs duties, and to the administration of the Cotton Duties Act, 1896, except where the working of the Act is in the hands of Customs-officers.

Amendments of minor importance consequential on the centralization of the Customs Department are also proposed to be made in two other Acts by the present Bill.

BASIL P. BLACKETT.

*The 23rd January, 1924.*



MONCRIEFF SMITH,  
Secretary to the Government of India.



# The Calcutta Gazette.

WEDNESDAY, MARCH 19, 1924.

## PART VI.

**Bills Introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills passed under Rule 18 of the Indian Legislative Rules.**

### GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 1st February 1924:—

No. 1 OF 1924.

*A Bill further to amend the Indian Penal Code for certain purposes.*

WHEREAS it is expedient further to amend the Indian Penal Code, XLV of 1860, for certain purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1924.

(2) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

Amendment of sections 361, 372 and 373, Act XLV of 1860.

2. In sections 361, 372 and 373 of the Indian Penal Code, XLV of 1860, for the word "sixteen" the word "eighteen" shall be substituted.

### STATEMENT OF OBJECTS AND REASONS.

In 1923 the Indian Legislature passed an Act to give effect to certain Articles of the International Convention for the suppression of the traffic in women and children, namely, Act XX of 1923. Section 3 of this Act inserted a new section—366A—in the Indian Penal Code, prescribing an age-limit of eighteen years in respect of the offence of procuration of minor girls. The Act was not brought into force immediately on its being assented to by the Governor-General as it was considered that Local Governments should be consulted on the advisability of retaining the age of 18 years in the new section 366A in view of the age-limits laid down in the Code for more serious kindred offences. After considering the opinions received, the Government of India have decided to bring forward the present Bill with the object of raising the age-limit in sections 361, 372 and 373 of the Code from sixteen to eighteen years. It is proposed to bring Act XX of 1923 into force simultaneously with the present Bill, if it is passed into law.

W. M. HAILEY.

DELHI.  
The 7th December, 1923.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 6th February 1924 :—

No. 8 OF 1924.

*A Bill to amend the Indian Passport Act, 1920, for certain purposes.*

WHEREAS it is expedient to amend the Indian Passport Act, 1920, for certain purposes hereinafter appearing; It is hereby enacted as follows :—

- Short title . . . 1. This Act may be called the Indian Passport (Amendment) Act, 1924 . . .
- Amendment of section 3 of Act XXXIV of 1920 . . . 2. In sub-section (2) of section 3 of the Indian Passport Act, 1920 (hereafter referred to as the Act), the word "and" at the end of clause (b) shall be omitted, and after that clause the following clause shall be inserted, namely :—  
 "(bb) prohibit any person, who has entered British India under a passport authorising such entry for a specified temporary purpose only from remaining in British India after the expiry of such period as is reasonably sufficient for such purpose, or from going to any place in British India otherwise than for such purpose; and".
- Amendment of section 5 of Act XXXIV of 1920 . . . 3. In section 5 of the said Act, the words "in contravention of any rule made under section 3 prohibiting entry into British India without passport, has entered therein," the following shall be substituted, namely :—  
 "has entered or remained or gone to any place in British India in contravention of any rule made under section 3."

## STATEMENT OF OBJECTS AND REASONS.

The attention of the Government of India has been drawn to the fact that there is no provision at present in the Rules framed under the Indian Passport Act, 1920, imposing a penalty for a breach of the conditions of a trans-shipment or transit visa which require the holder to leave India by a specified date. In a few cases recently ex-enemy aliens have come to India with a trans-shipment visa and have stayed in the country longer than was necessary for the purpose of trans-shipment, but could not be dealt with under the Act, which provides a penalty for entering India without a passport, but not for remaining in India. It is considered that the provision of a penalty clause in the Indian Passport Act, 1920, itself should discourage undesirable persons from disregarding the terms of their visa. To meet this object the Government of India have decided to bring forward the present Bill amending the Indian Passport Act, 1920.

DELHI,  
 14th January 1924.

E. B. HOWELL.

H. M. GIEFF SMITH,  
 Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 11th February 1924:—

No. 9 OF 1924.

*A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years.*

WHEREAS it is expedient further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years; It is hereby enacted as follows:—

XLV of 1860  
V of 1898

Short title and commencement.

1. (1) This Act may be called the Indian Criminal Law Amendment Act, 1924.

(2) It shall come into force on such date as the Governor General in Council, by notification in the Gazette of India, appoints.

Amendment of sections 372 and 373, Act XLV of 1860.

2. In sections 372 and 373 of the Indian Penal Code, for the words "that such minor" the words "person under the age of sixteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be" shall be substituted.

Further amendment of section 372, Act XLV of 1860.

3. To section 372 of the same Code the following *Explanations* shall be added, namely:—

*Explanation I.*—Whoever hires, or otherwise disposed of to a prostitute, or any person who keeps or manages a brothel, or who so disposes of a female, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

*Explanation II.*—For the purposes of this section "illicit intercourse" means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community or communities, as the case may be, to which they belong as constituting between them a quasi-marital relation."

Further amendment of section 373, Act XLV of 1860.

4. To section 373 of the same Code the following *Explanations* shall be added, namely:—

*Explanation I.*—Any prostitute, or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

*Explanation II.*—"Illicit intercourse" has the same meaning as in section 372."

Amendment of section 552, Act V of 1898.

5. In section 552 of the Code of Criminal Procedure, 1898, for the word "fourteen" the word "sixteen" shall be substituted.

Insertion of new sections after section 552, Act V of 1898.

Power to take proceedings for the protection of minor females living in circumstances calculated to lead to prostitution.

8. After section 552 of the Code of Criminal Procedure, 1898, the following sections shall be inserted, namely:—

Y of 1898.

"552A. (1) Whenever it appears to a Presidency Magistrate, District Magistrate or Subdivisional Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Local Government either in the course of an inquiry into or the trial of an offence under section 372 or section 373 of the Indian Penal Code or, otherwise than in the course of such inquiry or trial, from information received from any person not being a police officer of lower rank than an Inspector, that any female within the limits of his jurisdiction who has not attained the age of eighteen years, or such less age as the Local Government may, by notification in the local official Gazette, specify in this behalf,—

LV of 1860

- (a) frequents the company of any prostitute, or
- (b) is living in circumstances calculated to cause, encourage or favour the prostitution of such female,

the Magistrate shall fix a date for further inquiry into the matter, and shall issue a notice to the person, if any, having lawful charge of the female and to the person, if any, with whom the female is living, and to any other person to whom, in the opinion of the Magistrate, notice of the proceedings should be given, calling upon such person to appear before him on the date so fixed and to show cause why an order committing the female to suitable custody should not be made; and may, by any such notice issued to the person having the lawful charge of the female or to the person with whom the female is living, order such person to produce the female before the Magistrate on the date so fixed:

Provided that no action shall be taken by the Magistrate under this section upon information received otherwise than in the course of such inquiry or trial as is herein mentioned, unless the informant has been examined upon oath and the substance of the examination has been recorded and signed in the manner provided by section 200 in the case of the examination upon oath of a complainant.

(2) On such date, or on any subsequent date to which the inquiry may be adjourned, the Magistrate shall hear and record all evidence which may be produced, and all such further evidence as may appear necessary, and shall consider any cause which may be shown why such order should not be made.

(3) Evidence recorded under section (2) shall be recorded in the manner prescribed for recording evidence in summary cases.

(4) If any person, without reasonable excuse, the burden of proving which shall lie upon him, fails to produce before the Magistrate any female whom he has been required by a notice under sub-section (1) so to produce, he shall be punishable as if he had committed an offence under the second part of section 174 of the Indian Penal Code.

(5) When any female is produced before a Magistrate in pursuance of a notice issued under sub-section (1), the Magistrate may cause her to be detained, pending the completion of the inquiry, in such place, other than a police-station or a jail, as the Local Government may, by general or special order, direct in this behalf.

XLV of 1860.

Power to commit to suitable custody after enquiry section 552B.

552B. (1) If, after inquiry under section 552A, the Magistrate is satisfied that an order committing the female to suitable custody should be made and that—

- (i) no order of a Civil Court or Court of Wards appointing or declaring a guardian of the person of the female is in force, and
- (ii) a suitable person is willing to undertake the custody of the female,

the Magistrate may, after recording his reasons, make an order committing the female to the custody of such person until she attains the age of eighteen years or, if the Local Government

has fixed any less age for the purposes of sub-section (1) of section 552A, that age, or for such shorter period as the Magistrate thinks fit :

Provided that no such order shall be made if the Magistrate is satisfied that the only prostitute whose company the female frequents is her mother and that the mother exercises all such care and supervision as is necessary to protect such female from physical and moral contamination.

(2) The Local Government may, by notification in the local official Gazette, make rules for the purpose of prescribing the manner in which and the considerations by which the suitability of persons shall be determined for the purposes of sub-section (1) ;

Provided that, where any Act of the local legislature relating to the protection of children or young persons contains provision for the committal of children or young persons to suitable custody and directions as to the manner in which the suitability of persons to undertake such custody shall be determined, such rules shall not be inconsistent with those directions.

(3) In making an order under sub-section (1), the Magistrate may, with the consent of the person to whose custody the female is committed, annex such conditions to the order as the Magistrate thinks fit.

(4) The Magistrate, or, where the female is within the limits of the jurisdiction of any other Magistrate competent to make an order under sub-section (1), such other Magistrate, may at any time

(a) compel compliance with any order so made, using such force as may be necessary ; or

(b) cancel or vary such order ; or

(c) with the consent of the person to whose custody the minor is committed vary any of the conditions annexed to such order.

(5) If any person, to whose custody any female has been committed by an order under this section, makes default in complying with any of the conditions annexed to the order, he shall be punishable as if he had committed an offence under the second part of section 48 of the Indian Penal Code.

XLV of 1860

(6) The Sessions Judge may cancel or vary any order made under sub-section (1) on application made to him within six months of the date of the passing of the order by any person aggrieved thereby.

Power to accept security during or after inquiry under section 552A.

552C. If during or after an enquiry under section 552A the parent or any person who had the lawful charge of the female at the date of the institution of the enquiry offers to execute a bond (with or without sureties) to the satisfaction of the Magistrate, engaging that he will exercise all such care and supervision as is necessary to protect such female from physical and moral contamination until she attains the age of eighteen years, or, if the Local Government has fixed any less age for the purposes of sub-section (1) of section 552A, that age, or for such shorter period as the Magistrate thinks fit, the Magistrate may accept such bond and, if he does so, shall stay further proceedings or, if an order has been made under section 552A, cancel such order, and shall further order the female to be made over to the person executing the bond.

Powers and protection of custodians under an order under section 552B.

552D. (1) Any person to whose custody a female has been committed by an order under section 552B shall, whilst the order is in force, be entitled to the custody of the female, notwithstanding that she is claimed by her parent or any other person and shall, subject to such rules as the Local Government may, by notification in the local official Gazette, make in this behalf, have the powers and perform the duties of the lawful guardian of the person of the female.

(2) Nothing in section 552B or this section shall affect any power exercisable under the law for the time being in force by any Civil Court or Court of Wards in respect of the appointment or declaration of a guardian of the person of a minor, and, if an order under section 552B or section 552C is made in respect of any female and a guardian of the person of such female is subsequently appointed or declared by any Civil Court or Court of Wards, the order and any bond taken under section 552C shall be deemed to have been cancelled and the female shall be made over to the guardian so appointed or declared.

(3) Save as expressly provided by section 552C or this section, no Court shall entertain any suit or other legal proceeding to enforce any right or power which would interfere with the control of the custodian over the female as provided for by or under sub-section (1)."

Amendments of  
Schedules III, IV  
and V, Act V of  
1898.

7. (1) In Schedule III to the Code of Criminal Procedure, V of 1898, in Head IV (*Ordinary Powers of a Subdivisional Magistrate*), after item (14) the following item shall be inserted, namely:—

"(20) Power to commit minor female to suitable custody or to accept security from the person having lawful charge of such female, section 552C."

(2) In Schedule IV to the same Code, a list of powers with which a Magistrate of the first class is invested by the Local Government the following shall be added after item (13), namely:—

"(14) Power to commit minor female to suitable custody or to accept security from the person having lawful charge of such female, sections 552B, 552C."

(3) To Schedule V of the same Code, after Form LIII the following Form shall be added, namely:—

"LIV.—BOND TO EXERCISE DUTY ARE TO PROTECT A MINOR FEMALE FROM PHYSICAL AND MORAL CONTAMINATION.

(See section 552C.)

"Whereas I (*name*), inhabitant of (*place*), being the person having lawful charge of A. B., a female, near the age of *years*, have offered to enter into a bond to exercise all such care and supervision as may be necessary to protect the said A. B. from physical and moral contamination until she attains the age of *years* and the Magistrate is willing to accept such a bond.

I heroby bind myself to exercise all such care and supervision as may be necessary to protect the said A. B. from such contamination until she attains the age of *years*; and in case of my making default therein, I bind myself to forfeit to His Majesty the King, Emperor of India, the sum of rupees

(Signature.)

Dated this

(Where a bond with sureties is to be executed (add)—We do hereby declare ourselves sureties for the above-named that he will exercise all such care and supervision as may be necessary to protect the said A. B. from physical and moral contamination as stipulated in the bond executed by him and, in case of his making default therein, we bind ourselves jointly and severally to forfeit to His Majesty the King, Emperor of India, the sum of rupees

(Signature.)"

## STATEMENT OF OBJECTS AND REASONS.

In September 1912, Mr. (now Sir) M. Dadabhoi introduced in the Indian Legislative Council a bill for the protection of women and girls and other purposes. In the light of the opinions received from Local Governments on that Bill, the Government of India considered that, while Sir M. Dadabhoi's measure, in the form in which it was introduced, was not altogether suitable, nevertheless the degree of acceptance which was accorded to the principle underlying it, namely, the desirability of strengthening the Law for the safeguarding of minor girls and affording some facilities for the rescue of children from undesirable surroundings, justified a cautious advance in this direction. In September 1913, Government accordingly introduced a Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, with that object in view. The Bill was circulated for the opinion of Local Governments, and when these opinions were received, it was referred to a Select Committee whose report was presented in March 1914. The Committee made material alterations in the Bill and recommended its republication. The Local Governments were again consulted on the Bill as amended by the Select Committee, but further consideration was postponed owing to the outbreak of the War. Since then, however, some local legislatures have enacted laws dealing with the protection of children and the suppression of brothels and prostitution.

2. On the 27th February 1922, Dr. H. S. Gour moved, and the Legislative Assembly adopted, a Resolution recommending to the Governor-General in Council that a law be enacted prohibiting the wholesale traffic in minor girls for immoral purposes ostensibly intended as *devadasis* but in reality used for indiscriminate immoral purposes. The present Bill is the outcome of the discussion on that Resolution, and it reproduces the provisions of the Bill of 1914 as amended by the Select Committee, with certain modifications which have been introduced in view of the opinions of Local Governments collected in 1914, and the provisions of the Indian Penal Code (Amendment) Act, 1923 (XX of 1923), and of laws enacted for the protection of children. The main provisions of the Bill fall into two categories: one part is designed to remedy defects in the provisions of sections 372 and 373 of the Indian Penal Code and the other part provides a procedure for the rescue of girls living in circumstances calculated to lead to prostitution which will be a guide to adoption in cases in which there is suitable custody to which the girl can be committed. The purport of the principal clauses is given in the notes below.

*Notes on Clauses.*

*Clause 2.*—The amendment is designed to make it clear that an offence is committed under section 372 or 373 of the Indian Penal Code, when the minor is either disposed of or procured for the purpose of being sexually known either before or after attainment of the age of eighteen years, and whether she is made over to a life of immorality or merely subjected to an isolated act of carnal intercourse. In either case the child is equally deserving of protection. The age of eighteen years has been fixed with reference to the provisions of the Indian Penal Code (Amendment) Act, 1923.

*Clause 3.*—The first Explanation provides that if a minor girl is disposed of to a prostitute or a brothel-keeper or married, the person so disposing of her shall be presumed to have done so with the improper intention mentioned in section 372 of the Indian Penal Code.

The second Explanation defines offence of illicit intercourse as carnal intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community concerned, as constituting between them a quasi-marital relation.

*Clause 4.*—The amendments are consequential to the Explanations added by clause 3.

*Clause 5.*—Under the provisions of section 552 of the Code of Criminal Procedure a Magistrate may compel the restoration of abducted females, if their age is less than fourteen years. The clause increases the age to sixteen years. It is not proposed to increase the age further, as it is considered that it is most suitable to fix sixteen years as the age under which a girl may be restored to her husband, parent, guardian or other person having lawful charge of her.

*Clause 6.*—Empowers a Presidency or District or Subdivisional Magistrate, or a Magistrate of the first class specially empowered by the Local Government in this behalf, upon knowledge obtained in the course of an inquiry into or trial of an offence under section 372 or 373 of the Indian Penal Code, or on information received from any person not being a police officer of lower rank than an Inspector, to take proceedings for the protection of females under the age of eighteen years or such less age as the Local Government may specify in this behalf, and to commit such females to suitable custody. Local Governments are empowered to make rules for the determination of the suitability of custodians, but such rules must not be inconsistent with any directions contained in the local Children Acts in regard to such matters. The Sessions Judge is empowered to cancel or vary an order of committal to suitable custody on application made within 3 months. The powers of guardians appointed by Civil Courts are safeguarded.

W. M. HAILEY

The 1st Feb. 1924.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.







# The Calcutta Gazette

WEDNESDAY, APRIL 2, 1924.

## PART VI.

**Bills Introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills passed under Rule 18 of the Indian Legislative Rules.**

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 30th January 1924 :—

NO. 2 OF 1924.

*A Bill to consolidate the law relating to Tolls on Public Roads and Bridges.*

WHEREAS it is expedient to consolidate the law relating to tolls on public roads and bridges; It is hereby enacted as follows :—

Short title and extent

1. (1) This Act may be called the Indian Tolls Act, 1924.  
(2) It extends to the whole of British India (including the North-West Frontier Province and the Sonthal Parganas) except the Presidency of Bombay.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "toll" means a toll leviable under this Act;
- (b) "toll collector" means a person appointed to collect tolls; and
- (c) "toll superintendent" means a person appointed to superintend the collection of tolls.

Power to levy tolls on roads and bridges.

3. (1) The Local Government may cause such rates of toll as it thinks fit to be levied upon any road or bridge which has been made or repaired at the expense of the public revenues.

(2) The Local Government may appoint such persons to be toll superintendents as it thinks fit.

Power to compound for tolls

4. Any toll superintendent may in his discretion compound for any period not exceeding one year with any person for a certain sum to be paid in lieu of the rate of toll by such person for himself or for any vehicle or animal kept by him.

Power to recover tolls

5. (1) In the case of non-payment of any toll on demand the toll collector may seize such of the vehicles or animals on which it is levied, or such part of their burden, as may be of sufficient value to defray the toll.

Sec. 1, Act  
VI of 1884  
Sec. 3, Act  
XXXVIII of  
1861

Sec. 2, Act  
VI of 1851  
Sec. 1, Act  
XXXVIII of  
1920

Sec. 2, Act  
XV of 1864

Sec. 3  
VI of

(2) If any toll or the amount of any expenses arising from the seizure of property under sub-section (1) remains undischarged for twenty-four hours, the toll collector shall report the matter and forward the property, if any, to the toll superintendent.

(3) On receipt of any property so forwarded, the toll superintendent shall forthwith issue a notice that, on the next following day (not being a public holiday within the meaning of section 25 of the Negotiable Instruments Act, 1881), at or after such time as he may specify in the notice, he will sell the property by auction. XXVI of 1881.

(4) On the day and at or after the time so fixed, the superintendent may sell the property seized for the discharge of the toll and of any expenses arising out of the non-payment, seizure and sale, and shall cause any balance that may remain to be returned to the owner of the property :

Provided that, if, at any time before the sale begins, the person whose property has been seized tenders the amount of all the expenses incurred and of double the toll leviable, the superintendent shall forthwith release the property seized.

Exemptions  
from payment of  
toll

**6. No toll shall be leviable—**

- (a) from any person or upon any right ; exempted from the payment of tolls under the Indian Tolls (Army) Act, 1901, or
- (b) from any Police officer on duty, or from any person or property in the custody of any Police officer, or
- (c) in Upper Burma, from or upon any person or property exempted from the payment of tolls by any general or special order of the Local Government ;

Sec. 4, Act  
VIII of 1851  
Sec. 8 Act,  
II of 1901  
Sec. 4 (3),  
Act XIII of  
1898.  
II of 1901

but, save as provided in this section, no exemption from the payment of tolls shall be allowed.

Assistance  
of  
Police officers

**7. All Police-officers shall be bound, when so required, to assist toll collectors in carrying out the provisions of this Act, and, for that purpose, shall have the same powers as they have under the Code of Criminal Procedure, 1898.**

Sec. 6, Act  
VIII of 1851  
V of 1898

Penalties.

**8. (1) Every person, other than a toll collector, who levies or demands any toll on any public road or bridge, or for passing through any bazar or fair, or for any other purpose, and every person who—**

Sec. 6, Act  
VIII of 1851

- (a) unlawfully and extortionately demands or takes any other or higher toll than the lawful toll, or
- (b) under colour of this Act seizes or sells any property knowing such seizure or sale to be unlawful, or
- (c) in any manner unlawfully extorts money or any valuable thing from any person under colour of this Act,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees.

(2) Any part of any fine so imposed may be awarded by the Magistrate to the person aggrieved ; but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court. Act XII of 1876

Exhibition  
of  
the  
table  
of  
tolls,  
and  
of  
the  
amount  
of  
the  
tolls.

**9. A table of the tolls leviable at any toll gate or station, legibly written in English and in the vernacular language of the district, shall be kept displayed in a conspicuous place near such gate or station, and there shall be annexed thereto a statement, written in like manner, of the penalties for refusing to pay the tolls and for taking any unlawful toll.**

Sec. 7,  
Act VIII of  
1851

Application of  
proceeds of tolls.

10. The net proceeds of all tolls levied under this Act shall be applied by the Government wholly to the construction, repair and maintenance of roads and bridges within the province in which they are levied.

Sec. 8,  
Act VIII of  
1851  
Sec. 2 (2),  
Act VIII of  
1888

Power of  
Governor General  
in Council to levy  
tolls.

11. Where any public road or bridge has been made or repaired at the expense of the Governor General in Council, and no adequate provision has been made for the levy and collection of tolls thereon, the Governor General in Council may, by notification in the Gazette of India, apply this Act to such road or bridge, and thereupon the Governor General in Council shall have power to cause such rates of toll as he thinks fit to be levied in respect of such road or bridge, and may appoint such toll superintendents as he thinks proper, and all the provisions of this Act (including the penalties) shall apply in respect of such tolls and the collection and recovery thereof.

Sec. 4,  
Act VIII of  
1892

Repeals

12. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

### THE SCHEDULE.

(See section 12.)

#### ENACTMENTS REPEALED.

Year.	No.	Short title	Extent of repeal.
1	2	3	4
<i>Acts of the Governor General in Council.</i>			
1851	VIII	The Indian Tolls Act, 1851.	So much as has not already been repealed.
1864		The Indian Tolls Act, 1864.	Ditto.
1875	XX	The Co. and Provin- ces Act, the being the	So much of the Schedule as relates to the Indian Tolls Act, 1851, or the Indian Tolls Act, 1864.
1888	VIII	The Indian Tolls Act, 1888.	So much as has not already been repealed.
1892	VIII	The Land Revenue Bridge Act, 1892.	Ditto.
1898	XIII	The Burma Laws Act, 1898.	Clause (a) of sub section (3) of section 4, and so much of the First Schedule as relates to the Indian Tolls Act, 1851, the Indian Tolls Act, 1864, or the Indian Tolls Act, 1888.
1920	XXXVIII	The Devolution Act, 1920.	So much of the First Schedule as relates to the Indian Tolls Act, 1851, or the Indian Tolls Act, 1864.
<i>Regulations by the Governor General in Council</i>			
1872	III	The Sonthal Parganas Settlement Regulation, 1872.	So much of the Schedule as relates to the Indian Tolls Act 1851, or the Indian Tolls Act 1864.
1899	III	The Sonthal Parganas Justice and Laws Regulations, 1899.	Ditto.

TABLES SHOWING DISTRIBUTION IN THE BILL OF SECTIONS OF ACTS REPEALED BY THE BILL.			Section of Act.	Clause of Bill.	Remarks.
Section of Act.			ACT XV OF 1864.		
Clause of Bill.			2	4	
Remarks.			3	1 (2)	
ACT VIII OF 1851.			4	...	Covered by General Clauses Act.
1	...	Repealed by Act XIV of 1870.	Schedule	...	Repealed by section 2, Schedule 1, Act XXXVIII of 1920.
2	3				
3	5				
4	6				
5	7				
6	8				
7	9				
8	10				
Schedule	...	Repealed by section 2, Schedule 1, Act XXXVIII of 1920.			
ACT XV OF 1864.					
1	...	Repealed by section 2, Schedule 1, Act XXXVIII of 1920.			
ACT VIII OF 1888.					
			1	1 (2)	
			2 (1)	...	Spent.
			2 (2)	10	
			3	...	Spent.
			4	...	Spent.
			5	1 (2)	
ACT VIII OF 1892.					
			1	Short title	
			2		Spent.
			3		Spent.
			4		

## STATEMENT OF OBJECTS AND REASONS.

The law relating to tolls on public roads and bridges in British India is now contained in five Acts of the Legislature. The Bill brings these provisions within the scope of a single enactment. The first Act passed was Act VIII of 1851, which applied in the first instance to the territories administered by the Governor of the Presidency of Fort William in Bengal, the Lieutenant-Governor of the North-Western Provinces, and the Governors of the Presidency of Bombay and of Fort Saint George in Council. As regards Bombay the Act was repealed by the Bombay Tolls Act, 1875, which regulates the levy of tolls in that Province. Act XV of 1864 gave power to extend that Act and the Act of 1851 to the Local Government. The Indian Tolls Act, 1884, declares that the Acts just cited were in force in the Punjab. The only other Act that need be referred to is the Lansdowne Bridge Act, 1892. The Lansdowne Bridge, which spans the Indus which was made and repaired at the expense of the Government of India. Owing to the repeal by the Bombay Act previously referred to, doubts as to the power to levy tolls on this bridge. They were settled by the Lansdowne Bridge Act, and opportunity was taken at the same time to give general power to the Governor General in Council to levy tolls on bridges and roads made at his expense. It has been ascertained that tolls are no longer levied on the Lansdowne Bridge, and the specific provisions therefore regarding that bridge have been repealed. The general provision is however reproduced as clause 11 of the Bill. It is perhaps necessary to explain that it has not been found possible to include the provisions of the Indian Tolls (Army) Act, 1901, in the present consolidation. The law consolidated only relates to tolls on roads and bridges, while the scope of the Act in question is far wider and cannot be incorporated in the present Bill.

MUHAMMAD SHAFI.

The 26th January 1924.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill has been introduced in the Legislative Assembly :—

*A Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties.*

WHEREAS it is expedient to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties; It is hereby enacted as follows :—

*Preliminary.*

Short  
extent and  
commencement

1. (1) This Bill may be called the Hindu Religious and Charitable Trusts Bill, 1924 ;

(2) it extends to the whole of British India, including British Beluchistan and the Sonthal Parganas ;

(3) this section shall come into force at once ; and

(4) the Local Government may, by notification in the local official Gazette, direct that the remaining provisions of this Act, or any of them which it may specify, shall come into force in the Province, or any specified part thereof, on such date as it may appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "trust" means the permanent dedication by a person, professing the Hindu faith, of any property for any purpose recognized by the Hindu law as religious, pious or charitable ;

(b) "trustee" means any person appointed either verbally or under any deed of instrument by which a trust has been created or by a Court of competent jurisdiction to be the trustee of a trust, and includes a *shebaith*, priest or manager appointed by a trustee to perform the duties of the trustee, and, save as otherwise provided in this Act, any person who is for the time being administering any trust property ;

(c) "benefit" does not include any benefit which a trustee is entitled to claim solely by reason of his being such trustee ;

(d) "Court" means the Court of the District Judge or, within the limits of the ordinary original civil jurisdiction of a High Court, such Court, subordinate to the High Court, as the Local Government may, by notification in the local official Gazette, designate in this behalf ; and

(e) "prescribed" means prescribed by rules made under this Act.

*Statement of Particulars.*

Obligation to  
furnish particulars  
relating to  
trust

3. (1) Within six months from the commencement of this Act, every trustee shall furnish to the Court within the local limits of whose jurisdiction the property of the trust of which he is the trustee is situated, or to any one of two or more

TABLES SHOWING DISTRIBUTION IN THE BILL OF SECTIONS OF ACTS REPEALED BY THE BILL.			Section of Act.	Clause of Bill.	Remarks.
Section of Act.			ACT XV OF 1864.		
			2	4	
			3	1 (2)	
			1	...	
ACT VIII OF 1851.			Schedule	...	Covered by General Clauses Act. Repealed by section 2, Schedule I, Act XXXVIII of 1920.
1	...	Repealed by Act XIV of 1870.			
2	3				
3	5				
4	6				
5	7		1	1 (2)	
6	8		2 (1)	...	Spent.
7	9		2 (2)	10	
8	10		3	...	Spent.
Schedule	...	Repealed by section 2, Schedule I, Act XXXVIII of 1920.	4	...	Spent.
			5	1 (2)	
ACT XV OF 1864.			ACT VIII OF 1892.		
1	...	Repealed by section 2, Schedule I, Act XXXVIII of 1920	1	Short title	
			2		Spent.
			3		Spent.
			4		

## STATEMENT OF OBJECTS AND REASONS.

The law relating to tolls on public roads and bridges in British India is now contained in five Acts of the Legislature. The Bill brings these provisions within the scope of a single enactment. The first Act passed was Act VIII of 1851, which applied in the first instance to the territories administered by the Governor of the Presidency of Fort William in Bengal, the Lieutenant-Governor of the North-Western Provinces, and the Governors of the Presidency of Bombay and of Fort Saint George in Council. As regards Bombay the Act was repealed by the Bombay Tolls Act, 1875, which regulates the levy of tolls in that Province. Act XV of 1864 gave power to extend that Act and the Act of 1851 to the Local Government. The Indian Tolls Act, 1881, declares that the Acts just cited were in force in the Punjab. The only other Act that need be referred to is the Lansdowne Bridge Act, 1892. The Lansdowne Bridge, which was made and repaired at the expense of the Government of India. Owing to the repeal by the Bombay Act previously referred to, doubts as to the power to levy tolls on this bridge. The tolls were set by the Lansdowne Bridge Act, and opportunity was taken at the same time to give general power to the Governor General in Council to levy tolls on public roads and roads made at his expense. It has been ascertained that tolls are no longer levied on the Lansdowne Bridge, and the specific provisions therefore regarding that bridge have been repealed. The general provision is however reproduced as clause 11 of the Bill. It is perhaps necessary to explain that it has not been found possible to include the provisions of the Indian Tolls (Army) Act, 1901, in the present consolidation. The law consolidated only relates to tolls on roads and bridges, while the scope of the Act in question is far wider and cannot be incorporated in the present Bill.

MUHAMMAD SHAFI.

The 26th January 1924

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill has been introduced in the Legislative Assembly :--

*A Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties.*

WHEREAS it is expedient to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties; It is hereby enacted as follows :—

*Preliminary.*

Short  
extent and  
commencement

1. (1) This Bill may be called the Hindu Religious and Charitable Trusts Bill, 1924 ;

(2) it extends to the whole of British India, including British Beluchistan and the Southal Parganas ;

(3) this section shall come into force at once ; and

(4) the Local Government may, by notification in the local official Gazette, direct that the remaining provisions of this Act, or any of them which it may specify, shall come into force in the Province, or any specified part thereof, on such date as it may appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "trust" means the permanent dedication by a person, professing the Hindu faith, of any property for any purpose recognized by the Hindu law as religious, pious or charitable ;

(b) "trustee" means any person appointed either verbally or under any deed of instrument by which a trust has been created or by a Court of competent jurisdiction to be the trustee of a trust, and includes a *shebait*, priest or manager appointed by a trustee to perform the duties of the trustee, and, save as otherwise provided in this Act, any person who is for the time being administering any trust property ;

(c) "benefit" does not include any benefit which a trustee is entitled to claim solely by reason of his being such trustee ;

(d) "Court" means the Court of the District Judge or, within the limits of the ordinary original civil jurisdiction of a High Court, such Court, subordinate to the High Court, as the Local Government may, by notification in the local official Gazette, designate in this behalf ; and

(e) "prescribed" means prescribed by rules made under this Act.

*Statement of Particulars.*

Obligation to  
furnish particulars  
relating to  
trust

3. (1) Within six months from the commencement of this Act, every trustee shall furnish to the Court within the local limits of whose jurisdiction the property of the trust of which he is the trustee is situated, or to any one of two or more



such Courts, a statement containing the following particulars, namely:—

- (a) a description of the trust property sufficient for the identification thereof;
- (b) the gross annual income from such property;
- (c) the gross amount of such income which has been collected during the five years preceding the date on which the statement is furnished, or of the period which has elapsed since the creation of the trust whichever period is shorter;
- (d) the amount of the Government revenue and cesses, and of all rents, annually payable in respect of the trust property;
- (e) an estimate of the expenses annually incurred in the realization of the income of the trust property, based on such details as are available of any such expenses incurred within the period to which the particulars under clause (c) relate;
- (f) the amount set apart under the trust for—
  - (i) the salary of the trustee and allowances to individuals;
  - (ii) purely religious purposes;
  - (iii) charitable purposes;
  - (iv) any other purposes;
- (g) any other particulars which may be prescribed.

(2) Every such statement shall be accompanied by a copy of the deed or instrument creating the trust or, if no such deed or instrument has been executed or a copy thereof cannot be obtained, shall contain full particulars, as far as they are known to the trustee, of the origin, nature and objects of the trust.

(3) Where a trust is created after the commencement of this Act, the statement referred to in subsection (1) shall be furnished within six months of the date on which the trust is created or if it has been created by a written document, of the date on which such document is executed.

Publication of  
particulars  
and of  
requestion  
for the  
particulars

4. (1) When any statement has been furnished under section 3, the Court shall cause notice of the furnishing thereof to be affixed in some conspicuous place in the Court-house and to be published in such other manner, as may be prescribed, and thereafter any person may apply to the Court by a petition in writing, accompanied by the prescribed fee, for the issue of a writ or order requiring the trustee to furnish further particulars or documents.

(2) On such application being made, the Court may, after making such inquiry, if any, as it thinks fit, if it is of opinion that any further particulars or documents are necessary in order that full information may be obtained regarding the origin, nature or objects of the trust or the condition or management of the trust property, cause to be served on the trustee an order requiring him to furnish such particulars or documents within such time as the Court may direct in the order.

#### *Statement of Accounts and Audit.*

Statement of  
accounts

5. Within three months after the thirty-first day of March next following the date on which the statement referred to in section 3 has been furnished, and thereafter within three months of the thirty-first day of March in every year, every trustee shall prepare and furnish to the Court to which such statement was furnished a full and true statement of accounts, in such form and containing such particulars as may be prescribed, of all moneys received or expended by him on behalf of the trust of which he is the trustee during the period of twelve months ending on such thirty-first day of March or, as the case may be, during that portion of the said period

during which the provisions of this Act have been applicable to the trust :

Provided that the Court may, if it is satisfied that there is sufficient cause for so doing, extend the time allowed for the furnishing of any statement of accounts under this section.

Audit  
accounts

6. Every statement of accounts shall, before it is furnished to the Court under section 5, be audited—

(a) in the case of a trust the gross income of which during the year in question, after deduction of the land revenue and cesses, if any, payable to the Government, exceeds two thousand rupees, by a person who is the holder of a certificate granted by the Local Government under section 144 of the Indian Companies Act, 1913, or is a member of any institute or association the members of which have been declared under that section to be entitled to act as auditors of companies throughout British India; or

VII of 1913

(b) in the case of any other trust, by any person authorized in this behalf by general or special order of the said Court.

#### *General Provisions.*

Trusts entitled  
to pay cost of  
audit, etc., from  
trust funds

7. Notwithstanding anything contained in the deed or instrument creating any trust, every trustee may pay from the income of the trust property any expense properly incurred by him for the purpose of enabling him to furnish any particulars, documents or copies under section 3 or section 4, or in respect of the preparation or audit of the annual accounts for the purposes of this Act.

Verification

8. Every statement of particulars furnished under section 3 or section 4, and every statement of accounts furnished under section 5, shall be written in the language of the Court to which it is furnished, and shall be verified in the manner provided in the Code of Civil Procedure, 1908, for the signing and verification of pleadings.

V of 1908.

Inspection and  
copies

9. Any person shall, with the permission of the Court and on payment of the prescribed fee, at any time at which the Court is open, be entitled to inspect in the prescribed manner, or to obtain a copy of, any statement of particulars or any document furnished to the Court under section 3 or section 4, or any statement of accounts furnished to it under section 5, or any audit report made on an audit under section 6.

#### *Penalty.*

Penalties

10. Any person who is required by or under section 3 or section 4 to furnish a statement of particulars or any document relating to a trust, or who is required by section 5 to furnish a statement of accounts, shall, if he, without reasonable cause the burden of proving which shall lie upon him, fails to furnish such statement or document, as the case may be, in due time, or furnishes a statement which he knows or has reason to believe to be false, misleading or untrue in any material particular, or, in the case of a statement of accounts, furnishes a statement which has not been audited in the manner required by section 6, be punishable with fine which may extend to five hundred rupees, or, in the case of a second or subsequent offence, to imprisonment which may extend to six months, or to a fine which may extend to two thousand rupees.

#### *Rules.*

Power to make  
rules.

11. (1) The Local Government may, after previous publication, by notification in the local official Gazette, make rules to carry into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the additional particulars to be furnished by trustees under clause (g) of sub-section (1) of section 3;
- (b) the fees to be charged upon applications made to a Court under sub-section (1) of section 4;
- (c) the form in which the statement of accounts referred to in section 5 shall be furnished, and the particulars which shall be contained therein;
- (d) the powers which may be exercised by auditors for the purpose of any audit referred to in section 6, and the particulars to be contained in the reports of such auditors;
- (e) the fees respectively chargeable on account of the allowing of inspections and of the supply of copies under section 9;
- (f) the safe custody of statements, audit reports and copies of deeds or instruments furnished to Courts under this Act; and
- (g) any other matter which is to be prescribed.

Savings.

12. Nothing in this Act shall—

- (a) affect any other enactment for the time being in force in British India providing for the control or supervision of religious or charitable endowments; or
- (b) apply in the case of any trust the property of which—
  - (i) is being administered by the Treasurer of Charitable Endowments, the Administrator General, or the Official Trustee; or
  - (ii) is being administered either by a receiver appointed by any Court of competent jurisdiction, or under a scheme for the administration of the trust which has been settled or approved by any Court of competent jurisdiction or by any other authority acting under the provisions of any enactment.

13. The Local Government may, by notification in the local official Gazette, exempt from the operation of this Act or of any specified provision thereof any trust or trusts created or administered for the benefit of any specified section of the Hindu community.

STATEMENT OF OBJECTS AND REASONS.

This Bill is introduced to make better provision for the management of Hindu Trust properties throughout India. It closely follows the language of the Mussalman Wakf Act of 1923 which makes a similar provision for the management of Mussalman wakfs. The reasons which have led the Legislature to pass the Mussalman Wakf Act apply *a fortiori* to Hindu religious and charitable trusts and, as the Central Legislature has protected the trusts of one community, it is necessary that it should also protect the trusts of the other community.

NAGPUR, the 15th December 1923.

H. S. GOUR.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 1st February 1924 :—

No. 2 OF 1924.

*A Bill further to amend the Indian Coinage Act, 1906, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Coinage Act, 1906, for certain purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title

1. This Act may be called the Indian Coinage (Amendment) Act, 1924 .

Amendment of section 15, Act III of 1906

2. In clause (b) of sub-section (d) of section 15 of the Indian Coinage Act, 1906 (hereinafter referred to as the said Act), for the words " notwithstanding anything contained in this Act or in any Act hereby repealed, but subject " the following shall be substituted, namely :—

" subject to the provisions of section 15A and ".

Insertion of new section 15A in Act III of 1906

3. After section 15 of the said Act the following section shall be inserted, namely :—

Power to call in coin

" 15A. Notwithstanding anything contained in section 12, section 13, section 14 or section 15, the Governor General in Council may, by notification in the *Gazette of India*, call in, with effect from such date as may be specified in the notification, any coin, of whatever date or denomination, referred to in any of those sections, and on and from the date so specified such coin shall cease to be a legal tender save at a Government currency office :

Provided that the Governor General in Council may by the notification specify any later date up to which such coin shall continue to be a legal tender at any Government treasury."

## STATEMENT OF OBJECTS AND REASONS.

The attention of Government has been drawn to the omission in the Indian Coinage Act, 1906, of any provision, such as exists in the English Coinage Act, 1870, for power to withdraw the legal tender attribute of coin. The result is that coin once issued as legal tender is always legal tender under the Indian Law. When on occasion it becomes necessary to prevent the circulation of counterfeit coin of any particular denomination, the only action possible at present is to discontinue the re-issue of coin of that denomination from treasuries and currency offices, as has recently been done in the case of the 8-anna nickel coin, but this process is not completely effective since coins that do not come into the treasuries and currency offices continue to circulate as legal tender. It is therefore proposed, on the analogy of section 11 (5) of the English Coinage Act, 1870, to take power to withdraw, by notification, the legal tender attribute of coin of any denomination or date except the gold coins which are dealt with in section 11 of the Indian Coinage Act 1906. This provision should, in the event of excessive counterfeiting of any particular denomination of coin, enable action which should effectually stop the circulation of counterfeits and should ensure a prompt withdrawal of the genuine coin. The right of the holder to obtain value for any genuine coin in his possession, even though it has ceased to be legal tender, is secured by the specific provision in the Bill that coin once issued shall always be legal tender at a currency office.

DELHI,

BASIL P. BLACKETT.

The 15th January 1924.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 21st February 1924 :—

NO. 10 OF 1924.

*A Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given.*

WHEREAS it is expedient to provide in the manner hereinafter appearing that warning shall, in certain circumstances, be given before an assembly is fired on for the purpose of causing such assembly to disperse; It is hereby enacted as follows :—

Short title

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1924.

Insertion of new section 131A in Act V of 1898

2. After section 131 of the Code of Criminal Procedure, 1898, the following section shall be inserted, namely :—

V of 1898.

Use of fire-arms

“131A. Where under the provisions of this Chapter any person proceeds or determines to disperse any such assembly by the use of fire-arms the following rules shall also be observed :—

(1) Fire-arms should be used only if such assembly cannot otherwise be dispersed, and no fire-arms should as a rule be used except on the written authority of a Magistrate of the highest class available on the spot : Provided that, when immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, the senior most Police or Military Officer present on the spot may give the written authority instead and the same shall be communicated to the nearest Magistrate forthwith.

(2) Before the assembly is fired upon the fullest warning should be given by all available means to the assembly that, unless it disperses within a given time, it will be fired on.

(3) The person given the authority to fire shall ordinarily give such interval between the warning and firing as he considers sufficient in all the circumstances of the case.

(4) A full report of the occurrence shall be made in all cases when such assembly is dispersed by the use of fire-arms to the nearest first-class Magistrate within twenty-four hours of the occurrence, and such report shall be a public document.

(5) If the person is himself a first-class Magistrate, his report shall be made to the District Magistrate, and, if the person is a District Magistrate, his report shall be made to the Local Government.

(6) Notwithstanding anything contained in section 132, any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms may make a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter.”

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to give effect to the principles stated in the Resolution moved by the Hon'ble Mr. V. Srinivasa Sastri on the 3rd March 1921, in the Council of State, viz., that when fire-arms are used for the purpose of dispersing an assembly, preliminary warning should be given and certain procedure should be adopted.

A Bill to give effect to a portion of the Resolution was introduced in the Council of State by the Government of India and passed there in August 1921. When the Bill as passed by the Council of State was presented to the Assembly for consideration, I then gave notice of the amendment as contained in this draft. The Hon'ble the Home Member took permission of the House in September 1921 to withdraw his motion in order to consider the amendment and bring it up again, if so advised. The Government decided to drop the Bill altogether, and did not make any further motion. It is necessary and desirable that legislative safeguards should be provided against the indiscriminate use of fire-arms for the purpose of dispersing an assembly.

T. RANGACHARIAR.

*The 19th January, 1924.*

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 25th February, 1924:—

No. 14 OF 1924.

*A Bill further to amend the Sea Customs Act, 1878,  
for certain purposes.*

WHEREAS it is expedient further to amend the Sea Customs Act, 1878, for certain purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and  
commencement

1. (1) This Act may be called the Sea Customs (Amendment) Act, 1924.

(2) It shall come into force on the 1st day of April, 1924.

Amendment of  
section 20, Act  
VIII of 1878.

2. In section 20 of the Sea Customs Act, 1878, the proviso shall be omitted.

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to give effect to the recommendation contained in paragraphs 285 and 286 of the Report of the Indian Fiscal Commission that, in the interests of Indian industries, customs duty should be generally leviable on goods belonging to Government.

DELHI;

The 23rd January, 1924.

C. A. INNES.

H. MONCRIEFF SMITH,

Secretary to the Government of India.



# The Calcutta Gazette.

WEDNESDAY, APRIL 9, 1924.

## PART VI.

**Bills Introduced in the Council of State and Legislative Assembly,  
Reports of Select Committees presented to the Council and  
Assembly and Bills published under Rule 18 of the Indian Legis-  
lative Rules.**

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 21st February 1924:—

No. 12 of 1924.

*A Bill further to amend the Indian Penal Code.*

WHEREAS it is expedient further to amend the Indian Penal Code; It is hereby enacted as follows:—

XLV of 1860

Short title

1. This Act may be called the Indian Penal Code (Amendment) Act, 1924.

XLV of 1860

Amendment of  
section 375 of Act  
XLV of 1860

2. In section 375 of the Indian Penal Code, in the clause marked *Fifthly* and in the *Exception* the word "fourteen" shall be substituted for the word "twelve."

### STATEMENT OF OBJECTS AND REASONS.

The Indian Penal Code, as originally enacted, prescribed ten as the age of consent for sexual intercourse in the offence defined in section 375 of the Indian Penal Code. By the Indian Criminal Law Amendment Act (X of 1891), this age was raised to 12. In the last Assembly Mr. Bakshi Sohan Lal brought forward a Bill to raise this age from 12 to 14. It was defeated on its second reading. I revived his Bill in the July Session of the last Assembly, but the President ruled that, though I was in order in introducing the Bill, I would be out of order in taking it to a Select Committee. In this view the House rejected my motion.

The necessity for protecting minor children from illicit connection before maturity is obvious. Books on Medical Jurisprudence establish the fact that the age of puberty in India is attained by a girl upon her reaching the age of 14. Even though puberty may be reached at that age, it is obvious that girls are unfit for sexual cohabitation till they are older and more developed in physique and strength. The appalling infant mortality in the country is partially ascribed to early marriages and the consummation which follows with immature girls. It is, therefore, necessary not only for the protection of minor girls as also of their progeny that the age of consent should be raised to at least 14 years. This Bill is intended to provide for it. As the Bill has already been published and opinions of the Local Governments and the public collected, it will not be necessary to circulate it for eliciting public opinion, nor will it be necessary to refer the Bill to a Select Committee, as there is nothing that the Select Committee can alter, and the House as a whole has to decide whether it is or is not in favour of raising the age of consent from 12 to 14.

H. S. GOUR.

The 13th December 1923.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 6th February 1924 :—

No. 6 OF 1924.

*A Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes.*

WHEREAS it is expedient to amend the Indian Merchant Shipping Act, 1923, for certain purposes hereinafter appearing; **XXI of 1923.**  
It is hereby enacted as follows :—

Short title **1.** This Act may be called the Indian Merchant Shipping (Amendment) Act, 1924.

Amendment of section 203, Act XXI of 1923 **2.** In section 203 of the Indian Merchant Shipping Act, **XXI of 1923.** 1923 (hereinafter referred to as the said Act) :—

- (a) in sub-section (1), for the words "every pilgrim ship, proceeding from any port in British India other than Aden to any port in the Red Sea, shall touch at Aden and shall not leave", the words "Any officer empowered by the Local Government in this behalf may, by order in writing, require any pilgrim ship, proceeding from any port in British India other than Aden to any port in the Red Sea, to touch at Aden and not to leave" shall be substituted; and
- (b) in sub-section (2), after the word "ship" the words "in respect of which an order has been made under this section," shall be inserted, and for the words "by this section" the words "under this section" shall be substituted.

Amendment of section 204, Act XXI of 1923 **3.** In section 204 of the said Act for the words "The authority at Aden empowered to grant the certificate required under section 203," the words "Where any pilgrim ship touches at Aden in compliance with an order made under section 203, the authority at Aden empowered to grant the certificate required under that section" shall be substituted.

Amendment of section 205, Act XXI of 1923 **4.** In section 205 of the said Act, in clause (a) after the word "shall" the words "if so required by an order under section 203" shall be inserted, and for the words and figures "by section 203" the words "under that section" shall be substituted.

Insertion of new section 205A in Act XXI of 1923 **5.** After section 205 of the said Act the following section shall be inserted, namely :—

Power to denude limits of pilgrim season

"205A. No pilgrim ship shall proceed from any port in British India during any period which the Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare to be a period during which the carriage of pilgrims from that port is unlawful."

Insertion of new section 208A in Act XXI of 1923

**6.** After section 208 of the said Act the following section shall be inserted, namely :—

Conditions for securing return passages for pilgrims.

"208A. (1) No pilgrim shall be received on board any pilgrim ship at any port or place in British India, unless he has fulfilled the condition prescribed for the purpose of securing return passages for pilgrims to India :

- Provided that this prohibition shall not apply in the case of any pilgrim who has obtained a certificate from an authority appointed in this behalf by the Local Government certifying that the said authority is satisfied that the pilgrim does not intend to return to India.

• (2) For the purpose of sub-section (1) one or other of the following conditions shall be prescribed, namely :—

- (a) that the pilgrim shall be in possession of a return ticket, or
- (b) that he shall have deposited with the prescribed person such sum for the purpose of defraying the cost of a return ticket as the Governor General in Council may specify by notification in the Gazette of India."

Amendment of  
section 209, Act  
XXI of 1923

#### 7. In section 209 of the said Act —

(a) to sub-section (1) the following proviso shall be added, namely :—

"Provided that no pilgrim shall be entitled to, or shall be provided with, a single-journey ticket who is required under section 208A to be in possession of a return ticket, and no pilgrim who is required under that section to deposit a sum of money for the return passage shall be entitled to, or shall be provided with, a ticket unless he has made such deposit."

(b) in sub-section (2), for the words "shall be entitled to the refund of any passage-money he may have paid, subject to any conditions or deductions which may be prescribed" the following shall be substituted, namely :—

"shall, subject to any conditions or deductions which may be prescribed, be entitled to the refund of any passage-money which he may have paid, and of any deposit which he may have made in compliance with any condition prescribed for the purposes of section 208A ; and the legal representative of every pilgrim who has paid for a return ticket or made such deposit and who has died in the Hedjaz or on the voyage thereto shall, subject as aforesaid, be entitled to the refund of half the passage-money paid by such pilgrim or of the whole of the deposit made by him, as the case may be."

Insertion of new  
section 209A in  
Act XXI of 1923

#### 8. After section 209 of the said Act the following section shall be inserted, namely :—

Cost of return  
journey of pil-  
grims on ships  
other than those  
for which return  
ticket is avail-  
able

"209A. (1) Where the possession by pilgrims of return tickets is prescribed as a condition for the purposes of section 208A, port-clearance shall not be granted to any pilgrim ship from any port in British India unless or until the master, owner or agent and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond for the sum of ten thousand rupees, conditioned that, if any pilgrim provided with a return ticket issued in British India within the previous eighteen months is, owing to his inability to obtain accommodation on a ship for which the return ticket is available, detained at Jeddah for a longer period than thirty days from the day on which he presents his ticket to the British Consul at Jeddah, notifying his desire to embark for the return passage, the master, owner or agent aforesaid shall pay to the Local Government in respect of such pilgrim such sum not exceeding double the whole sum received by such master, owner or agent in respect of the return ticket as the Local Government claims as the cost of repatriating the pilgrim, together with a sum of one rupee for each day after the expiry of the thirty days aforesaid during which the pilgrim has been detained at Jeddah :

Provided that, for the purpose of computing the said period of thirty days, no period shall be taken into account during which the ship is prevented from carrying pilgrims on the return passage by reason of the port of Jeddah having been

declared by proper authority to be infected or by reason of war disturbance or any other cause not arising from any act or default of the master, owner or agent.

(2) A certificate of such detention purporting to be made and signed by the British Consul at Jeddah shall be received in evidence in any Court in British India without proof of the signature or of the official character of the person who has signed the same."

Amendment of  
section 213, Act  
XXI of 1923

9. In sub-section (1) of section 213 of the said Act,—

(a) after clause (o) the following clause shall be inserted, namely:—

"(oo) the condition to be fulfilled by pilgrims for the purpose of securing their return passages to India, and any matter in respect of which provision is, in the opinion of the Governor General in Council, necessary or expedient by reason of the imposition of any such condition"; and

(b) in clause (p), after the word "passage-money" the words "and of deposits made in accordance with any condition prescribed under clause (oo) of this sub-section" shall be inserted, and to the same clause after the words "pilgrim ship" the words "and the refund of passage-money or deposits to the legal representatives of pilgrims who died in the Hedjaz or on the voyage thereto" shall be added.

Amendment of  
section 245, Act  
XXI of 1923

10. In sub-section (2) of section 245 of the said Act, after clause (b) the following clause shall be inserted, namely:—

"(c) the charging of fees for the grant of the certificate referred to in sub-section (4) of section 243, the amount of such fees and the manner in which they shall be recoverable."

#### STATEMENT OF OBJECTS AND REASONS.

For some years past the repatriation of destitute pilgrims from Jeddah has been a source of anxiety and recurring expenditure to the Government of India. The welfare of the Indian pilgrims, as a whole, has also been endangered by the presence amongst them of those who had not the means to perform the pilgrimage. Numerous attempts have been made from time to time to arrive at a solution of the problem on a voluntary basis but without success. In March, 1923, the Central Haj Committee resolved that, in view of the experience gained, the best remedy was to institute a system of compulsory return tickets, if necessary by legislation. The Government of India are convinced that a solution on the lines of compulsory provision for the return journey is the only one which will prove satisfactory. Clause 6 of the Bill is intended to give power to prescribe that no pilgrim who intends to return to India after performing the pilgrimage, shall be allowed to leave from any port in British India unless he is in possession of a return ticket, or has deposited a sufficient sum to meet the cost of the return journey. Clause 8 deals with the period for which a return ticket is to be valid and the period of detention at Jeddah within which a pilgrim must be provided with a return passage. Clause 9 is intended to give the Governor General in Council a general rule-making power to regulate matters arising out of the introduction of a system of return tickets or deposits and to ensure their satisfactory working.

2. It is also proposed to take advantage of this opportunity to amend the relevant sections of the Indian Merchant Shipping Act, 1923, so as to dispense with obligatory call of pilgrim ships at Aden which is no longer necessary under modern sanitary conditions. Clauses 2, 3 and 4 of the draft Bill give effect to this proposal. Clause 5 of the Bill is intended to empower Local Governments, with the previous sanction of the Governor General in Council by notification in the local official Gazette, to declare a period within which the carriage of pilgrims from a port in British India shall be unlawful. This provision is designed to prevent pilgrim ships from sailing after due date and thus to save pilgrims from the disappointment of arriving too late.

3. The Indian Merchant Shipping Act, 1923, does not at present permit the levy of any fees for inspection of the wireless installations on vessels. Recently fees for inspection where the installations have been found to be out of order have been imposed in the United Kingdom by the Board of Trade. It is proposed to take similar powers to permit the levy of fees in India under section 215 of this Act, and clause 10 of the Bill is intended to secure this object.

DELHI;

The 29th January, 1924.

M. S. D. BUTLER.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.



# The Calcutta Gazette

WEDNESDAY, APRIL 23, 1924.

## PART VI.

**Bills introduced in the Council of State and Legislative Assembly,  
Reports of Select Committees presented to the Council  
and Assembly and Bills published under Rule 18 of the Indian  
Legislative Rules.**

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly :

*A Bill to amend the Imperial Bank of India Act, 1920.*

WHEREAS it is expedient to amend the Imperial Bank of India Act, 1920, for certain purposes hereinafter appearing ;  
It is hereby enacted as follows :—

Short title. 1. This Act may be called the Imperial Bank of India <sup>XLVII</sup> of 1920.  
(Amendment) Act, 192 .

Insertion of new section 13A in Act XLVII of 1920. 2. After section 13 of the Imperial Bank of India Act, <sup>XLVII</sup> of 1920, the following section shall be inserted, namely :—

Power of Bank to grant loans to certain other Banks.

“13A. Notwithstanding anything contained in Schedule I, the Bank may, for the purpose of averting the winding up of any company which is a banking company within the meaning of section 13 and of which the capital is divided into shares, or, where any such company is being wound up, of facilitating the winding up, advance or lend money to, or open a cash credit in favour of, such company or the liquidators thereof, as the case may be, upon the security of the assets of such company.”

## STATEMENT OF OBJECTS AND REASONS.

The Imperial Bank of India Act, 1920 (XLVII of 1920), contains no provision enabling the Imperial Bank to intervene effectively, without the assistance of Government, in a financial crisis, for the purpose of either averting the winding up of any banking concern or facilitating the winding up of any such concern. The absence of such provision was brought prominently to notice, in the circumstances attending the failure of the Alliance Bank of Simla last year, and an undertaking was given on behalf of the Government in the debate in the Legislative Assembly on the 18th July, 1923, that the Government of India would consider the question of so amending the Imperial Bank of India Act, 1920, as to make it possible to do on any future occasion what the Imperial Bank was unable to do, without the intervention of Government, in the case of the Alliance Bank.

The object of the present Bill is to enable the Imperial Bank, with the object either of averting or of facilitating the winding up of any banking concern, to assist such concern by making advances to it or to the liquidators of such concern not only against the securities prescribed elsewhere in the Act but against its assets generally.

BASIL P. BLACKETT.

*The 20th March 1924.*

MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 21st February 1924 :—

No. 11 OF 1924.

*A Bill further to amend the Indian Registration Act, 1908.*

WHEREAS it is expedient further to amend the Indian Registration Act, 1908 ; It is hereby enacted as follows :—

Short title and  
commencement

1. (1) This Act may be called the Indian Registration (Amendment) Act, 1924.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Amendment of  
section 32, Act  
XVI of 1908

2. To section 32 of the Indian Registration Act, 1908, the XVI of 1908 following *Explanation* shall be added, namely :—

*“Explanation.—Presentation by any person shall be deemed to be by an agent duly authorised within the meaning of this section, if the executant is present and admits execution before the registering officer.”*

## STATEMENT OF OBJECTS AND REASONS.

In 37 Allahabad 49 Jambu Prasad v. Muhammad Aftab Ali Khan, the Privy Council have had to place a highly technical construction on the law relating to presentation of documents for registration which causes injustice to parties. Their Lordships have in 1922 (Patna 402) suggested that it is a matter for the Legislature to remedy. This Bill is intended so to remedy.

K. RAMA AYYANGAR.

The 6th January, 1924.

H. MONCREIFF SMITH,  
*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 28th February 1924 :—

No. 17 OF 1924.

*A Bill further to amend the Indian Registration Act, 1908.*

Whereas it is expedient further to amend the Indian Registration Act, 1908, so as to enable some Sub-Registrars to exercise and perform the powers and duties of a Registrar to hold an inquiry on denial of execution; It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Indian Registration (Amendment) Act, 1924.

(2) It shall come into force on 1st day of January 1925.

Amendment of s. 7, Act XVI of 1908

2. To section 7 of the Indian Registration Act, 1908, the XVI of 1908. following sub-section shall be added, namely :—

“(3) The Local Government may by notification declare any Sub-Registrar to be a Registrar within the meaning of the proviso to section 35, and all provisions contained in sections 74 to 77 which apply to documents presented for registration to a Registrar shall also apply to documents presented for registration to such Sub-Registrar.”

## STATEMENT OF OBJECTS AND REASONS.

In some of the provinces Sub-Registrars are highly educated gentlemen. There is no reason why, if execution of a document is denied before such officers, they should not hold an inquiry into the denial, etc., and why the parties should be driven to the necessity of taking a formal order of refusal and then going to the Registrar for holding the inquiry.

The Bill is intended to enable Local Governments to allow Sub-Registrars to hold the necessary inquiry themselves.

T. RANGACHARIAR.

DELHI,

The 26th January, 1924.

H. MONCRIEFF SMITH,

Secretary to the Government of India.



# The Calcutta Gazette

WEDNESDAY, APRIL 23, 1924.

## SUPPLEMENT.

**Total Papers.**

- [Non-Subscriber to the GAZETTE may receive SUPPLEMENT separately on payment of five rupees per annum if delivered in Calcutta, or seven rupees and eight annas if sent by post.]

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Statement showing the gauge-readings at Dacca Water-works station on the river Buriganga for the week ending the 12th April 1924.

Date.	At 7 A.M.	AT HIGHEST WATER.		AT LOWEST WATER.		At 6 P.M.	Remarks.
		Time.	Readings.	Time.	Readings.		
1924.							
6th April	53.1	13.50	54.5	7.10	52.35	53.35	H. T. at 11.0. F. T. at 7.22
7th "	53.25	14.40	54.45	8	52.65	53.0	H. T. at 14.55 F. T. at 8.15.
8th "	53.35	15.20	54.3	8.50	52.6	53.2	H. T. at 10.0. F. T. at 9.0.
9th "	53.4	16.10	54.0	9.35	52.55	53.6	H. T. at 16.25. F. T. at 9.11.
10th "	53.5	17.0	53.5	10.20	52.5	53.9	H. T. at 17.12. F. T. at 10.30.
11th "	53.4	17.55	54.15	11.5	52.45	53.25	H. T. at 18.5. F. T. at 11.20
12th "		Dark		11.50	52.6	53.65	H. T. at F. T. at 12.5.

Notable high and low water-levels of previous years.

High			Low		
27th August	1906	70.5	28rd February	1907	51.06
5th September	1904	67.86	18th "	1908	51.36
10th August	1910	69.86	12th March	1912	51.06
1st "	1911	68.46	6th "	1914	50.60
18th "	1912	67.16	22nd February	1915	50.80
31st "	1915	69.7	15th "	1913	50.60
18th "	1916	68.1	3rd March	1917	51.0
12th "	1917	67.1	21st February	1918	51.40
31st "	1918	69.12	26th "	1919	50.4
2nd "	1919	66.8	18th "	1920	50.9
8th September	1920	66.9	19th "	1921	50.9
28th July	1921	68.4	8th March	1922	51.06
10th August	1922	68.00	14th "	1923	50.8
31st July	1923	66.16			

N.B.—Zero of the gauge at Dacca water-works = -48.61 with reference to P. W. D. datum.

CALCUTTA, the 17th April 1924.

S. C. MAZUMDAR, Executive Engineer,  
Khulna Division



**Statement of weekly gauge-readings on the rivers Ganges and Brahmaputra at Goalundo for the week ending 12th March 1924.**

Month and date.	Hour.	Height of surface above or below zero of gauge.	Height of surface above mean sea-level.	Height of surface above mean sea-level on same date last year.	Remarks.
1924.					
6th April	7 A.M.	7.1	7.1	7.2	Zero is placed at mean sea-level.  The bench mark for this gauge is marked on a pucca pillar between the passenger ghat and Chaudpur ghat at Goalundo.
7th "	7 "	7.1	7.1	7.0	
8th "	7 "	7.3	7.3	6.8	
9th "	7 "	7.4	7.4	6.7	
10th "	7 "	7.7	7.7	6.6	
11th "	7 "	7.6	7.6	6.7	
12th "	7 "	7.6	7.6	6.9	

Highest water level of the year ... 24.1.  
 Lowest water level of the year ... 5.7  
 Highest recorded flood ... 24.1 on the 15th and 16th August 1923.  
 Previous highest recorded flood ... 25.75 on the 28th August 1906 and 25.66 on 11th to 17th and 31st August 1889 and on 1st to 3rd September 1889  
 Lowest recorded water-level ... 5.7 on the 13th, 14th, 28th and 29th March 1923  
 Previous recorded low water-level ... 1.0 on the 9th February 1911

N.B.—The gauge-readings commenced from 1st October 1909.

C. H. DE, *Coverer,*

RAJBARI, the 14th April 1924.

P. W. D., *Faridpur.*

**Statement of weekly gauge-readings on the river Ganges at Rampur Boalia for the week ending the 12th March 1924.**

Date.	Hour.	Height of surface above zero of P.W.D. datum.	Height of surface above P. W. D. datum.	Height of surface above P. W. D. datum on the same date last year.	Remarks.
1924.					
6th March	8 A.M.	36.85	36.85	36.15	P. W. D. datum 6.25 feet above Kidderpur old dock sill. B. M. on Rajahabi College step 61.93. Value of zero = 0.00 P. W. D.
7th "	7 "	36.80	36.80	36.20	
8th "	7 "	36.75	36.75	36.20	
9th "	7 "	36.75	36.75	36.20	
10th "	7 "	36.70	36.70	36.25	
11th "	7 "	36.70	36.70	36.30	
12th "	7 "	36.70	36.70	36.35	

Old value.

According to P. W. Datum.

The previous year	...	Highest water-level	...	on 27th August 1923	...	61.05
Do	...	Lowest "	...	on 4th May 1923	...	35.80
Record	...	Highest "	...	69.25 on 26th August 1879	...	64.44
Do	...	Do. "	...	69.08 on 9th September 1885	...	64.27
Do	...	Do. "	...	68.30 on 26th August 1906	...	63.47
Do	...	Do. "	...	68.21 on 26th August 1890	...	63.40
Do	...	Lowest "	...	37.63 on 25th April 1884	...	32.82
Do	...	Do. "	...	38.18 on 14th and 15th April 1883	...	33.32
Do	...	Do. "	...	39.02 on 21st and 22nd April 1897	...	34.21
Do	...	Do. "	...	39.28 on 6th and 7th May 1908	...	34.47
Do	...	Do. "	...	on 9th May 1922	...	34.70

N.B.—The gauge-readings commenced from the 1st August 1887.

G. R. MONDAL, *Subdivisional Officer,*

RAMPUR BOALIA, the 12th April 1924.

I. D., *Jangipur.*

## DISTRICT REPORTS ON WEATHER AND CROPS

For the week ending on the 18th April 1924.

**Summary.**—During the week, light and scattered showers fell in most parts of North and East Bengal and Khulna and Jessore only in West Bengal. It has facilitated the agricultural operations for jute and paddy, but more rain is badly needed. Condition of summer rice and other standing crops is not satisfactory. The average price of common rice for the province has risen by about 0.26 per cent. as compared with that of the previous week.

Serial No.	District and subdivision.	Rainfall.	PRICE OF COMMON RICE, IN RUPEES, PER RUPEE.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
1	24-PARGANAS ...	0.05	6½	6½	Effects of weather on crops are unfavourable. Fodder is sufficient. Scarcity of water is reported from Basirhat and Baraset.
	Diamond Harbour.	Nil	9½	8½	
	Barrackpore ...	Nil	7	7	
	Baraset ...	Nil	7½	7½	
	Basirhat ...	Nil		8	
2	NADIA ...	Nil	8	7½	Rain is badly wanted. Cultivation of <i>bhadai</i> crops is being retarded badly for want of rain. Stock of rice is sufficient.
	Kushtia ...	Nil	7½	7	
	Meherpur ...	Nil	7	7	
	Chandanga ...	Nil	8½	8½	
	Ranaghat ...	Nil	7	7	
3	MURSHIDABAD ...	Nil	8	8	Prospects of the standing crops are poor in the Lalbagh subdivision and fair elsewhere. Harvesting of <i>rabi</i> crops is nearly finished. Fodder is sufficient. Cattle-disease is reported from thanas Mirzapur, Raghunathganj and Seraganj in Jangipur subdivision. No large export or import.
	Lalbagh ...	Nil	7½	8½	
	Jangipur ...	Nil	8	8	
	Kandi ...	Nil	8	8	
4	JESSORE ...	Nil	8	8	Weather fair. Cultivation of lands is progressing a little. Sowing of <i>amro</i> is going on in places; more rain is wanted. Fodder is sufficient but insufficiency of water is being felt. No import or export. Cattle-disease is reported from thanas Sarsha and Bongaon, in Bongaon subdivision.
	Jhenidah ...	0	9	9	
	Magura ...	66	10	10	
	Narail ...	Nil	10	10	
	Bongaon ...	0.68	8½	8½	
5	KHULNA ...	Nil	7½	7½	Weather hot.
	Satkhira ...	0.18	8	8	
	Bagerhat ...	0.28	8	8	

Serial No.	District and subdivision.	Rainfall.	PRICE OF COMMON RICE, IN ANNAS, PER RUPEE.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
6	BURDWAN ...	Nil	7½	8	Weather hot and dry. Planting of sugarcane and manuring of fields for <i>amr</i> paddy and jute are going on. Stock of food-grains is sufficient. Fodder is sufficient. Export and import of rice continue as usual. Cattle disease is reported from thana Khandagosh.
	Asansol ...	Nil	7	7	
	Katwa ...	Nil	8	8	
	Kalna ...	(n)	(n)	7½	
7	BIRBHUM ...	Nil	8	8	Weather very hot. Fields are being manured. Fodder is sufficient, but water is insufficient. Cattle-disease exists.
	Rampurhat ...	Nil	7½	8	
8	BANKURA ...	Nil	8½	8½	Weather very hot. Export of rice and paddy continues. Fodder and water are sufficient.
	Vishnupur ...	Nil	8½	8½	
9	MIDNAPORE ...	Nil	7½	8½	Weather hot. Manuring of fields is in progress. Rain is badly wanted for the agricultural operations. Fodder is sufficient.
	Contai ...	Nil	9½	9	
	Tamluk ...	Nil	7½	7½	
	Ghatal ...	(n)	(n)	7	
	Jhargram ...	Nil	8	7	
10	HOOGLY ...	Nil	6½	6½	Weather hot. Agricultural operations retarded for drought. Fodder is sufficient. Scarcity of water is being felt in places.
	Serampore ...	Nil	7	7	
	Arambagh ...	(n)	(n)	8½	
11	HOWRAH ...	Nil	7	7	Absence of rain is impeding agricultural operations.
	Uluberia ...	Nil	7	7	
12	RAJSHAHI ...	Nil	7½	7½	Prospects of standing crops are fair. Fodder is sufficient. Drinking water is insufficient.
	(RAMPUR-BOALIA). Naogaon	Nil	7½	7½	
	Nator	Nil	7½	7½	
13	DARJILING ...	0·63	8	8	Weather seasonable. Fodder and water are sufficient.
	Thakurgaon ...	0·40	7	7	
	Balurghat ...	0·05	7½	7½	
14	JALPAIGURI ...	0·93	7	7	Maize and potatoes are progressing. Sowing of jute has commenced. Fodder and water are insufficient at Kalimpong.
	Alipur ...	Nil	6	6	
15	DARJEELING ...	1·16	5	5	
	Kurseong ...	0·03	6	6	
	Siliguri	0·25	6	6	
	Kalimpong ...	0·23	5½	5½	

(n) Not reported.

Serial No.	District and subdivision.	Rainfall.	PRICE OF COMMON RICE, IN SEER, PER RUPEE.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
		Inches.			
16	RANGPUR	1.68	6	6	Recent rains did immense good to the agricultural operations and more are urgently needed. Cattle-disease is still being reported from Gaibandha, Palashbari and Gobindaganj. Fodder and water are sufficient.
	Nilphamari ...	1.33	6½	6½	
	Kurigram ...	0.41	6	6	
	Gaibandha ...	0.51	6	6	
17	BOGRA ...	0.63	6½	6½	More rain is needed. The sowing of jute is nearly completed and that of autumn paddy continues in the <i>poli</i> soil. In the Khair tracts cultivation of <i>aus</i> paddy has begun after the recent rains which improved the prospects of standing <i>rabi</i> crops. Water is insufficient. Cattle-disease is reported from thana Jaipurhat.
18	PABNA ...	0.37		6½	More rain is wanted. Fodder and water are adequate.
	Sirajganj ...	1.43		6	
	MALDA ...	Nil	7	7½	Sowings of jute and other <i>bhadoi</i> crops are being retarded for want of rain. Prospects of standing crops are not favourable. Fodder and water are sufficient.
20	COOCH BEHAR	5.30		8½	Weather seasonable. Preparation of lands for <i>bhri</i> paddy and jute and the sowing of the same are going on. The prospects of standing crops are favourable. Fodder and water are sufficient. Cattle-disease still exists in the inter-
21	DACCA ...	0.72	7		Weather hot and dry. Recent rain will facilitate agricultural operations. More rain is needed. Planting of sugarcane commenced in places. Continuous drought has hit <i>boro</i> paddy. Scarcity of water and fodder is being felt in places.
	Manikganj ...			7½	
	Narayanganj ...	1.1	7½	7½	
	Munsiganj (a)	(n)	(n)	7½	
22	MYMENSINGH ...	0.76	7	7	Weather seasonable. Prospects of standing crops are fair. Cultivation for <i>aus</i> paddy and jute is going on. Fodder and water are available.
	Jamalpur ...	0.38	7½	7½	
	Tangail ...	(n)	(n)	6½	
	Netrakona ...	(n)	(n)	8	
	Kishorganj ...	(n)	(n)	7	

(a) Munsiganj being very near to Dacca and Narayanganj, its rainfall statistics are not quoted. To give information regarding the northern part of the district, rainfall figures for Kaptai thana are reported here.

(n) Not reported.

Serial No.	District and subdivision.	Rainfall.	PRICE OF COMMON RICE, IN SEERS, PER RUPEE.		Character of the weather, condition of crops, etc.
			This week.	Previous week.	
1	2	3	4	5	6
		Inches.			
23	FARIDPUR ...	2.18	8	8	Cultivation of lands for jute and paddy continues and the sowings have commenced in places. Harvesting of <i>rabi</i> crops is almost finished. Prospects and state of the standing crops are fair. Fodder is sufficient but water is insufficient in Sadar subdivision.
	Goalundo (Rajbari).	(n)	(n)	7½	
	Madaripur ...	0.61	9	9	
	Gopalganj (a) ...	1.07	8½	9	
24	BAKARGANJ (BARISAL).	0.02	8	7½	More rain is wanted. Prospects of standing crops are fair. Fodder and water are sufficient.
	Pirojpur ...	2.06	8	8	
	Patuakhali ...	0.14	8	8	
	Dakshin Shabazpur (Bhola).	0.02	7½	7½	
25	CHITTAGONG ...	1.71	{ 7½ 6½ }	{ 7 6½ }	Harvesting of <i>rabi</i> crops and cultivation of <i>pania aus</i> crops are in progress. Prospects of standing <i>rabi</i> crops are fair. Water and fodder are sufficient. <i>Pania</i> salt is selling at 13 seers per rupee at Sadar.
	Cox's Bazar ...	(n)	(n)	7½	
26	TIPPERA (COMILLA).	Nil	8½	7½	Weather hot. Rain is badly wanted. Rain has done good to the standing crops at Brahmanbaria, but more rain is required. Prospects of standing crops are not good. Cattle-disease is reported from Brahmanbaria.
	Brahmanbaria	2.20	6½	6½	
	Chandpur ...	Nil	7½	7½	
27	NOAKHALI ...	Nil	7½	7½	Prospects of standing crops are fair. Fodder and water are sufficient.
	Feni ...	(n)	(n)		
28	CHITTAGONG HILL TRACTS.	Nil	7	7	Weather hot. Fodder and water are sufficient. Prospects of the <i>rabi</i> crops are unfavourable.
29	TRIPURA STATE	Nil	7	7	Weather seasonable. <i>Jhom</i> clearing continues. Condition of standing crops is fair. Cattle-disease prevails in one division. Fodder and water are sufficient except in one division. Cleaned cotton sells at Rs. 38 to Rs. 45 and jute at Rs. 5 to Rs. 7 per maund.

\* Burma rice.

(a) The rainfall at Faridpur, which is very near to Gopalganj, is shown here.

(n) not reported.

J. C. ROY, for Director of Agriculture, Bengal.

Dacca, the 16th April 1924.



# The Calcutta Gazette

WEDNESDAY, MAY 14, 1924.

## PART VI.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 18th March 1924.

No. 20 of 1924.

*A Bill to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870.*

WHEREAS it is expedient further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889 and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870; It is hereby enacted as follows:—

VII of 1870  
VII of 1889.  
V of 1908.

Short title and commencement.

1. (1) This Act may be called the Court-fees (Amendment) Act, 1924.

(2) It shall come into force on such date as the Government-General-in-Council may, by notification in the Gazette of India,

Amendment of section 2, Act VII of 1870.

2. For section 2 of the Court-fees Act, 1870, (hereinafter referred to as the said Act) the following section shall be substituted, namely:—

VII of 1870.

Definitions.

"2. In this Act, unless there is anything repugnant in the subject or context—

(i) "Chief Controlling Revenue-authority" means—

(a) in Madras, Bengal, the United Provinces and Bihar and Orissa—the Board of Revenue;

(b) in Bombay, outside Sind and the limits of the town and island of Bombay—a Revenue Commissioner;

(c) in Sind—the Commissioner;

(d) in the Punjab and Burma—the Financial Commissioner; and

(e) elsewhere—the Local Government or such officer as the Local Government may, by notification in the local official Gazette, appoint in this behalf;

- (ii) "memorandum of appeal" includes a memorandum of cross-objection; and  
 (iii) "suit" includes an appeal."

Amendment of  
 section 3, Act VII  
 of 1870.

3. In section 3 of the said Act, for the words and figures "No. 11 of the first and" the words and figures "section 19C or" shall be substituted.

Amendment of  
 section 4, Act VII  
 of 1870.

4. In section 4 of the said Act,—

(a) for the words "of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees," the words "which is chargeable with a fee under this Act" shall be substituted; and

(b) for the words "indicated by either of the said schedules" the words "prescribed by this Act" shall be substituted.

Amendment of  
 section 5, Act VII  
 of 1870.

5. In section 5 of the said Act, for the words "Clerk of the Court" the word "Registrar" and for the words "first Judge" the words "Chief Judge" shall be substituted.

Amendment of  
 section 6, Act VII  
 of 1870.

6. In section 6 of the said Act,—

(a) for the words "of any of the kinds specified as chargeable in the first or second schedule to this Act annexed" the words "which is chargeable with a fee under this Act" shall be substituted; and

(b) for the words "indicated by either of the said schedules" the words "prescribed by this Act" shall be substituted.

Amendment of  
 section 7, Act VII  
 of 1870.

7. In section 7 of the said Act,—

(a) to paragraph i the following shall be added, namely:—

"which amount shall be deemed to include—

(i) in the case of an appeal by a defendant, any interest awarded by the decree in the appeal from the date of the presentation of the plaint to the date of the decree; and

(ii) in the case of an appeal by a plaintiff, any additional interest claimed";

(b) in paragraph iv—

(i) for clause (b) the following sub-clause shall be added, namely:—

"(b) for partition and separate possession of a share of joint family property or of joint property by a person who is to be a co-parcener or co-owner, or may be, is not denied," and

for partition  
 by a co-  
 parcener or  
 co-owner.

(ii) for the words "In all such suits the plaintiff shall state the amount at which he values the relief sought" the following shall be substituted, namely:—

"Provided, that no such relief shall be valued at less than two hundred rupees; and that, in suits such as are mentioned in sub-clause (c), where the relief sought is with reference to any immoveable property the valuation shall not be less than half the value of the immoveable property computed in accordance with paragraph v of this section:

Provided, further, that in any appeal from a preliminary decree passed in a suit for the taking of partnership accounts, the valuation of the share in dispute shall bear the same proportion to the valuation on which the fee has been computed in the case of the plaint as that share bears to the share claimed in the plaint".

(c) after paragraph iv the following paragraphs shall be inserted, namely :—

- "iva. In suits for partition and separate possession of a share of joint family property or of joint property by a person whose claim to be a co-parcener or co-owner, as the case may be, is denied—according to the value of the share claimed computed in accordance with the other provisions of this section : for partition by person whose claim to be co-parcener or co-owner is denied;
- ivb. In a suit to set aside a decree for money or other property having a market-value, or to cancel or set aside any other document securing money or other property having such value—according to the amount or value of the property for which the decree was passed or in respect of which the document was executed or, where the cancellation or setting aside is sought in respect of part only of the money or property, the amount or value of that part"; for cancellation of a decree

(d) in paragraph v—

- (i) for the word "houses" the word "buildings" shall be substituted ;
- (ii) after the words "where the subject-matter is land," the words "other than land occupied by a building or garden" shall be inserted ;
- (iii) for sub-clause (e) the following shall be substituted, namely :—

"Where the subject-matter is property consisting of a building or garden or of land occupied by a building or garden or of land together with a building or garden occupying the same—the market-value ; for buildings and gardens.

*Explanation.*—For the purpose of this paragraph, no land shall be deemed to be, or to be occupied by, a garden if such land is assessed to land revenue as agricultural land ;

in paragraph vi, for the word "house" the word "building" shall be substituted, and after the word "claimed" the following words shall be added namely :—

"or, if the fee computed according to the market-value of the land, building or garden would be less, according to the market-value ;

(f) for paragraph viii the following paragraph shall be substituted, namely :—

"viii. In suits to set aside an attachment of a building or garden or of any interest therein, and in suits brought under rule 13 of Order XXI in the First Schedule to the Code of Civil Procedure, 1908—according to the value of the attached property (computed in accordance with paragraph v of this section), or, if the fee computed according to the amount for the payment of which the property was attached would be less, according to that amount"; to set aside an attachment.

(g) for paragraph ix the following paragraphs shall be substituted, namely :—

- "ix. In suits against a mortgagee for the recovery of the property mortgaged—according to the principal money expressed to be secured by the instrument of mortgage ; to redeem.
- "ixa. In suits by a mortgagee to foreclose the mortgage, or, where the mortgage is made by conditional sale, to have the sale declared absolute—according to the amount claimed by way of principal and interest in the plaint". to foreclose.



Insertion of new section 7A in Act VII of 1870.

8. After section 7 of the said Act the following section shall be inserted, namely :—

Power of Court to require additional fee to be paid.

"7A. If in any suit the Court decides that an insufficient fee has been paid in respect of a claim to any relief of which the value is computable under section 7, it may require such additional fee to be paid as may be necessary to make up the difference; and, if the additional fee is not paid within such time as the Court may fix, such claim shall be dismissed."

Substitution of new section 8 in Act VII of 1870.

9. For section 8 of the said Act the following section shall be substituted, namely :—

Fees in land acquisition cases.

"8 (1) A fee shall not be payable under this Act in the case of any application for a reference to the Court under section 18 of the Land Acquisition Act, 1894, unless the amount claimed by the applicant in the application exceeds twice the amount awarded to him by the Court, in which case the fee shall be computed according to the difference, and the award shall not be enforceable until such fee has been paid.

I of 1894.

(2) The amount of fee payable under this Act on a memorandum of appeal against the award of a Court under the Land Acquisition Act, 1894, shall be computed according to the difference between the amount awarded and the amount claimed by the appellant."

I of 1894

Amendment of section 9, Act VII of 1870.

10. In section 9 of the said Act, for the word "house" the word "building" shall be substituted.

Substitution of new section 11 in Act VII of 1870.

11. For section 11 of the said Act the following section shall be substituted, namely :—

Procedure in suits for mesne profits or accounts when amount found due exceeds amount claimed

"11. Where in any suit for mesne profits or for immoveable property and mesne profits or for an account the fee which would have been payable if the suit had comprised the whole of the relief to which the Court finds the plaintiff to be entitled exceeds the fee actually paid, the Court shall require the plaintiff to pay an additional fee equal to the amount of the excess, and, if such additional fee is not paid within such time as the Court may fix, the suit, or, if a decree has previously been passed therein, so much of the claim as has not been satisfied shall be dismissed."

and ante

Amendment of section 12, Act VII of 1870.

12. To section 12 of the said Act the following Explanation shall be added, namely :—

*Explanation.*—For the purposes of this section, the classification relating to the classification of any suit for the purpose of section 7 shall not be deemed to be a question relating to valuation."

Substitution of new section 17 in Act VII of 1870.

13. For section 17 of the said Act the following section shall be substituted, namely :—

Multifarious suits and reliefs.

"17. (1) In any suit in which two or more separate and distinct causes of action are joined, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees with which the plaints or memoranda of appeal would be chargeable under this Act in separate suits instituted in respect of each such cause of action :

Provided that nothing in this sub-section shall be deemed to affect any power conferred by or under the Code of Civil Procedure, 1908, to order separate trials.

V of 1908.

(2) Where more reliefs than one based on the same cause of action are sought either in the aggregate or in the alternative, the fee shall be paid according to the value of the relief in respect of which the largest fee is payable."

Amendment of  
section 18, Act  
VII of 1870.

14. In section 18 of the said Act, the words "of the offence of wrongful confinement, or of wrongful restraint, or" shall be omitted.

Amendment of  
section 19, Act  
VII of 1870.

15. In section 19 of the said Act,—

- (a) in paragraph i after the words "Power-of-attorney" the words "or other written authority" shall be inserted;
- (b) in paragraph viii after the word "exceed" the words "in the case of probate or letters, two thousand and, in the case of such certificate," shall be inserted;
- (c) in paragraph xxii after the word "purpose" the words "other than applications in respect of which a fee is payable under section 8" shall be added; and
- (d) after paragraph xxiv the following paragraph shall be added, namely :—

"xxv. Petitions of appeal by Government servants or servants of a Court of Wards against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals; and applications for obtaining such copies."

Substitution of  
new Chapter for  
Chapters IIIA and  
IV in Act VII of  
1870

16. For Chapter IIIA and IV of the said Act the following Chapter shall be substituted, namely :—

#### "CHAPTER IV.

##### PROBATES AND LETTERS OF ADMINISTRATION.

Application for  
probate or letters  
of administration

19A. (1) Every application for the grant of probate or letters of administration shall be accompanied by a valuation of the estate in the form set forth in Part I of the Third Schedule.

(2) On receipt of any such application, the Court shall send a copy thereof and of the valuation to the Collector of the district in which the estate is situated or, if the estate is situated in more than one district, to the Collector of the district in which the most valuable portion of the immoveable property included in the estate is situated.

(3) The Collector to whom the copy of the application and of the valuation has been sent under sub-section (2) shall examine the same, and may make, or cause to be made by any officer subordinate to him, such inquiry, if any, as he thinks fit, as to the correctness of the valuation or, where a part of the property is situated in his district, or in the district of any other Collector, and may require the Collector of any other district in which any part of the property is situated to furnish him with the correct valuation thereof.

(4) The Collector required under sub-section (3) to furnish the correct valuation of any property shall comply with the requisition after making, or causing to be made by any officer subordinate to him, such inquiry, if any, as he thinks fit.

(5) The Collector to whom the copy of the application and of the valuation has been sent under sub-section (2) shall, after completion of the inquiry, if any, made by him and after being furnished with any valuation which he may have required from any other Collector, report to the Court his decision as to the correct valuation of the whole estate.

Powers and  
procedure in rela-  
tion to inquiries.

19B. Every Collector or other officer making an inquiry under section 19A shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely :—

- (a) enforcing the attendance of any person;
- (b) compelling the production of documents or material objects; and
- (c) issuing commissions for the examination of witnesses;

and may at any time inspect or cause to be inspected, or take or cause to be taken copies of the record of any case in which application for probate or letters of administration has been made.

Probate to be granted on payment of fees, and provisions regarding the payment of fees.

19C. (1) Save as hereinafter provided in this section, the Court shall make no grant of probate or letters of administration until it is satisfied that a fee not less than the fee prescribed by this Act has been paid on the basis of the net value or amount of the estate as valued in accordance with the report of the Collector under sub-section (5) of section 19A.

(2) A grant of probate or letters of administration may be made by a Court, notwithstanding that the prescribed fee has not been paid, to—

(a) an Administrator General in his official capacity, on his giving an undertaking that the said fee will be paid within such time as may be fixed by the Court, and

(b) to any other petitioner on his giving to the Court a bond with one or more surety or sureties or other sufficient security that the fee will be paid within such time as may be fixed by the Court.

(3) Property held in trust not beneficially or with general power to confer a beneficial interest shall not be liable to any fee under this Chapter.

(4) For the purposes of this section, if any member of a joint Hindu family governed by Mitak-hara Law applies for probate or letters of administration in respect of the estate of a deceased member of the joint family, such estate shall not be deemed to be property held in trust, and the applicant shall pay a fee on the value of the share in the joint family property which the deceased would have received if a partition of the property had been made immediately before his death.

(5) The fee payable on an application for the grant of probate or letters of administration shall comprise—

(i) a fee, at the rate or rates prescribed in the fourth schedule, computed—

(a) where the application is made within one year of the death of the deceased, according to the value of the estate in British India at the date of the death,

(b) where the application is made after the expiry of one year from the date of the death, according to the value of the estate in British India at the date of the application, and

(ii) a fee equal to the simple interest at six per centum per annum on the fee referred to in clause (i) from the date of the death to the date of payment.

(6) For the purpose of the computation of such fee, the items mentioned in Annexure B of Part I of the Third Schedule shall be deducted from the value of the estate:

Provided that, when an application is made for probate or letters of administration in respect of part only of an estate, no debt, no expenses connected with any funeral rites or ceremonies, and no mortgage incumbrance on any part of the estate other than that in respect of which the application is made, shall be deducted.

Application to the Court, and powers of the Court.

19D. (1) If the applicant for probate or letters of administration is dissatisfied with the valuation of the estate as reported by the Collector, he may, by application made to the Court at any time before the expiry of ninety days from the date of the grant of probate or letters, as the case may be, move the Court to hold an inquiry into the true value thereof.

- (2) The Court on receipt of such application shall hold, or cause to be held by any Court or officer subordinate to it, an inquiry as to the true value at which the estate of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

- (3) For the purposes of any such inquiry, the Court, or the Court or officer authorized by the Court to hold the inquiry, may examine the petitioner for probate or letters of administration on oath either in person or by commission, and may take such further evidence as may be produced to prove the true value of the estate, and, where the inquiry has been entrusted to a subordinate Court or officer, such Court or officer shall return to the Court the evidence taken and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceedings.

(4) The Court on the completion of the inquiry or on receipt of the report referred to in sub-section (3), as the case may be, shall record a finding as to the true value of which the estate should have been estimated, and such finding shall, save as hereinafter provided in sections 19F and 19G, be final.

(5) The Court shall have power to confirm or to increase or decrease the valuation as reported by the Collector under section 19A.

(6) The Court may make such order, in accordance with the provisions of the Code of Civil Procedure, 1908, as to the costs of the inquiry, as it thinks fit. V of 1908

Relief in cases of several grants.

19E. (1) Whenever a grant of probate or letters of administration is made in respect of the whole of the property belonging to an estate, and the full fee payable under this Act in respect of the application for such grant has been paid thereon, no fee shall be payable when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

(2) Whenever such grant has been made in respect of any property forming part of an estate, the amount of fees actually paid under this Act in respect thereof shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

Relief where too high a fee has been paid.

19F. If, at any time after the grant of probate or letters of administration of an estate, it is discovered by the executor or administrator of the estate, as a result of the proceedings of the Court under sub-section (2) of section 19D or otherwise, that a larger fee has been paid than was payable according to the valuation of the estate, the executor or administrator, as the case may be, may apply for a refund to the Collector by whom the duty was paid as to the correct valuation of the estate was made under section 19A. The application shall be accompanied by an amended valuation in the form set forth in Part II of the Third Schedule, together with the probate or letters of administration upon which a refund is sought, and the Collector, if he is satisfied that the amended valuation is correct, shall—

(a) endorse a certificate on the stamped probate or letters of administration to the effect that so much duty out of that represented by the stamp or stamps used has been refunded, and

(b) issue a certificate for the refund of the difference between the duty originally paid and that which should have been paid:

• Provided that no refund shall be granted under this section unless the application for refund is made within three years of the date of the grant of the probate or letters of administration, or within such further period as the Collector may allow.

Provision for case in which too low a fee has been paid.

19G. (1) If, at any time after the grant of probate or letters of administration of an estate, it is discovered by the Revenue authorities, as the result of the finding of the Court under sub-section (4) of section 19D or otherwise, that a less fee has been paid than was payable according to the true value of the estate, the executor or administrator, as the case may be, shall, within six months of a requisition being made to him in this behalf by the Revenue authorities, submit to the Collector by whom the report as to the correct valuation of the estate was made under section 19A an amended valuation in the form set forth in Part II of the Third Schedule, together with the probate or letters of administration, and shall at the same time pay the difference between the fee already paid and the fee which would have been payable according to the true value of the estate, together with twelve per centum per annum simple interest on such difference from the date of payment of the fee originally paid till the date of payment of the said difference or for such less period as the Collector may think proper. The Collector shall thereupon cause the probate or letters of administration to be duly stamped according to the amended value of the estate:

Provided that no such requisition shall be made after the expiry of three years from the date of the grant of the probate or letters of administration, as the case may be.

(2) If any person fails to comply within six months with a requisition made to him under sub-section (1), the Collector shall inform the Chief Controlling Revenue authority for the local area in which the probate or letters has or have been granted, and the Chief Controlling Revenue authority, after giving notice to the said person, may impose on him a penalty of a sum not exceeding ten times the difference between the proper fee payable and the fee already paid, and, on the payment of such sum and of any sum which he has been required to pay under sub-section (1), shall direct the Collector to cause the probate to be duly stamped according to the amended value of the estate.

(3) The Chief Controlling Revenue authority may, to the whole or part of any penalty imposed by it under sub-section (2).

Recovery of fee or penalty

19H. Any costs payable by an executor or administrator and any sum payable under sub-section (1) or sub-section (2) of section 19G may, on the certificate of the Collector, be recovered from the executor or administrator, as the case may be, in the same manner as an arrear of land revenue.

Sections 4, 6 and 28 not apply to probates or letters of administration.

Nothing in section 4, section 6 or section 28 shall apply to probates or letters of administration.

Substitution of section 28, Act VII of 1870.

17. For section 28 of the said Act the following shall be substituted, namely:—

Stamping documents which are produced in a Court or public office, or which have been inadvertently received in a Court or public office.

"28. No document which is chargeable with a fee under this Act shall be of any validity unless and until it is properly stamped."

Provided that, when a document, on which the whole or any part of the fee prescribed by this Act has not been paid, is produced, or has through mistake or inadvertence been received, in any Court or public office, the Court or head of the office may, in its or his discretion, at any time allow the person by whom such fee is payable to pay the fee or part thereof, as the case may be, and upon such payment the document shall have the same force and effect as if the full fee had been paid in the first instance."

Insertion of  
new Chapter VA  
in Act VII of  
1870.

18. After Chapter V of the said Act the following Chapter shall be inserted, namely :—

#### CHAPTER VA.

##### RULES.

Power of High  
Court to make  
rules as to costs  
of processes.

30A. (1) The High Court may make rules to provide for or regulate all or any of the following matters, namely :—

- (a) the fees payable for serving and executing processes issued by such Court in its appellate jurisdiction and by the Civil and Criminal Courts established within the local limits of such jurisdiction ;
- (b) the remuneration of persons employed by the Courts mentioned in clause (a) in the service or execution of processes ;
- (c) the fixing by District and Sessions Judges and District Magistrates of the number of process servers necessary to be employed for the service and execution of processes issued from their respective Courts and the Courts subordinate thereto ; and
- (d) the display by each Court of a table in the English and vernacular languages showing the fees payable for the service and execution of processes.

(2) All such rules shall be subject to the confirmation of the Local Government and, on such confirmation, shall be published in the local official Gazette, and shall thereupon have effect as if enacted in this Act.

Power of Chief  
Comm. of Revenue  
and to make rules.

30B. (1) The Chief Controlling Revenue authority may, with the previous sanction of the Local Government, make rules consistent with this Act to provide for or regulate all or any of the following matters, namely :—

- (a) as chargeable for serving and executing processes issued by the Chief Controlling Revenue authority and by the Revenue Courts established within the local limits of its jurisdiction ;
- (b) the remuneration of the persons necessary to be employed for the service and execution of such processes ;
- (c) the fixing by Collectors of the number of persons necessary to be employed for the service and execution of such processes ;
- (d) the guidance of Collectors in the exercise of the powers conferred on them by Chapter IV ;
- (e) the number of stamps to be used under this Act ;
- (f) the number of stamps to be used for denoting any fee chargeable under this Act ;
- (g) the keeping of accounts of all stamps used under this Act ;
- (h) the circumstances in which stamps may be held to be damaged or spoiled ;
- (i) the circumstances in which, the manner in which, and the authorities by which, allowance for used, damaged or spoiled stamps may be made ; and
- (j) the regulation of the sale of stamps to be used under this Act, the persons by whom alone such stamps may be sold, and the duties and remuneration of such persons :

Provided that, in the case of stamps used under section 3 in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

(2) All such rules shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted in this Act.

(3) Save as otherwise provided in this Act, where allowance is made for damaged or spoiled stamps, the Collector may give in lieu thereof—

- (a) other stamps of the same description and value; or
- (b) if required, and if he thinks fit, stamps of any other description to the same amount or value; or
- (c) at the request of the applicant the same value in money, deducting one anna for each rupee or fraction of a rupee.

(4) Any person appointed to sell stamps, who contravenes any rule made under clause (j) of sub-section (1) and any person not so appointed who sells or offers for sale any stamps, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both."

Substitution of new section for section 35, Act VII of 1870.

19. For section 35 of the said Act the following section shall be substituted, namely:—

Power to remit or reduce fees.

"35. The Local Government may, by general or special order published in the local official Gazette, remit or reduce the fee payable under this Act in respect of any document specified in the order."

Substitution of new Schedule for the Third Schedule to Act VII of 1870.

20. For the Third Schedule to the said Act the Schedule contained in the First Schedule to this Act shall be substituted.

Insertion of new Schedule IV in Act VII of 1870.

21. After the Third Schedule to the said Act the Schedule contained in the Second Schedule to this Act shall be added.

Repeal of enactments

22. The enactments mentioned in the Third Schedule are hereby repealed to the extent specified in the fourth column thereof.

### THE FIRST SCHEDULE.

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE III TO THE COURT-FEES ACT, 1870.

(See section 20.)

#### SCHEDULE III.

##### PART I.

(See section 19A)

#### FORM OF VALUATION OF

IN THE COURT OF

Re Probate of the Will of

, (or administration of the estate of deceased.

1. I (A. B.) am the executor (or one of the executors or one of the next-of-kin, as the case may be) of , deceased, and I have truly set forth in Annexure A to this Form of Valuation all the estate of which the abovenamed deceased died possessed or to which he was entitled at the time of his death, and which has come, or is likely to come, to my hands.

2. I further have truly set forth in Annexure B all the items which I am by law allowed to deduct.

3. I further declare that the said estate, exclusive only of the lastmentioned items, was on the date of the death of the said deceased, under the value of

4. I (A. B.) further declare that what is stated in this Form of Valuation is true to the best of my information and belief.

(Signed)

(A. B.)

\* This form to be used where the application is made after one year from the date of the death.

## ANNEXURE A.

## VALUATION OF THE ESTATE OF

## DECEASED.

	Rs.	A.	P.
Cash in hand and at the bank, household goods, wearing-apparel, books, plate, jewels, etc. (State estimated value according to best of Executor's or Administrator's belief.)			
Property in Government securities transferable at a Public Debt Office ... (State description and value on the date of the death of the deceased or on the date of the application, as the case may be.)			
Immoveable property consisting of ... (State description, giving, in the case of buildings, the assessed value, if any, and the number of years' assessment at which the market-value is estimated, and, in the case of land, the area and the market-value.)			
Leasehold property ... (If the deceased held any leases for years determinable, state the number of years' purchase which the rents are estimated to be worth and the value of such, inserting the yearly arrears due on the date of the death or on the date of the application, as the case may be.)			
Property in public companies ... (State the particulars and the value calculated at the price on the date of the death or on the date of the application, as the case may be.)			
Policies of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money. State the amount of the whole on the date of the death or on the date of the application, as the case may be.)			
Debts ... (Other than bad) ...			
Stock in trade ... (State the estimated value, if any) ...			
Other property not comprised under the foregoing heads ... (State the estimated value, if any) ...			
Total			
Deduct—Items shown in Annexure B in the manner provided in sub-section (6) of section 10			
NET VALUE OF ESTATE			

## ANNEXURE B.

## SCHEDULE OF DEBTS, ETC.

	Rs.	A.	P.
Amount of debts due and owing from the deceased, payable by law out of the estate.			
Amount of expenses connected with funeral rites and ceremonies ...			
Amount of mortgage incumbrances ...			
Property held in trust not beneficially or with general power to confer a beneficial interest.			
Other property not subject to duty ...			
TOTAL			



## PART H.

(See sections 19F and 19G.)

## AMENDED FORM OF VALUATION OF ESTATE.

## IN THE COURT OF

Re Probate of the Will of \_\_\_\_\_, (or administration of the estate of \_\_\_\_\_ deceased.)

1. I (A.B.) am the executor (or one of the executors or one of the next-of-kin, as the case may be) of \_\_\_\_\_

2. Probate was (or letters of administration were) granted to me on \_\_\_\_\_

3. It has now been discovered that the net valuation of the estate on which court-fee was paid was not correctly ascertained.

4. I have now truly set forth in Annexure A to this amended Form of valuation all the estate of the deceased at the date of \_\_\_\_\_ his death \_\_\_\_\_ the application for probate (or letters of administration) which has come or is likely to come to my hands.

5. I further have now truly set forth in Annexure B all the items which I am by law allowed to deduct.

6. I further declare that the said estate, exclusive only of the last mentioned items, at the date of \_\_\_\_\_ the death of the deceased was \_\_\_\_\_ under the value of \_\_\_\_\_ this application is \_\_\_\_\_

7. I further declare that what is stated in this amended Form of Valuation is true to the best of my information and belief.

Signed.

## ANNEXURE A.

## AMENDED VALUATION OF THE ESTATE OF DECEASED.

	Valuation on which court-fee was paid.	Increase.	Decrease.	Valuation as now amended.
	.....	.....	.....	.....
	Deduct items shown in annexure B in the manner provided in sub-section (6) of section 19 C.			.....
	Amended net value of estate			.....

## APPENDIX B.

## AMENDED SCHEDULE OF DEBTS, ETC.

	Value as last previously ascertained.	Increase.	Decrease.	Valuation as now amended.
Total	.....	.....	.....	.....

## THE SECOND SCHEDULE.

SCHEDULE TO BE INSERTED IN THE COURT-FEES ACT, 1870.

(See section 21.)

## "SCHEDULE IV.

(See section 19(1).)

*Fees in respect of probates, letters of administration and succession certificates.*

Number.		Proper fee.
1. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the estate in respect of which the grant of probate or letters is made exceeds two thousand rupees, on such amount or value up to ten thousand rupees.....	Two per centum.
	When such amount or value exceeds ten thousand rupees, on the portion of such amount or value which is in excess of ten thousand rupees, up to fifty thousand rupees.	Three per centum.
	When such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees up to a lakh of rupees.	Four per centum.
	When such amount or value exceeds a lakh of rupees, on the portion of such amount or value which is in excess of a lakh of rupees.	Five per centum.
	Provided that when, after the grant of a certificate under the Succession Certificate Act, 1889, or under Bombay Regulation, VIII of 1927, in respect of any property included in an estate, a grant of probate or administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	
2. Certificate under the Succession Certificate Act, 1889.	On the amount or value of any debt or security specified in the certificate under section 8 of the Act, up to ten thousand rupees.	Two per centum.
	When such amount or value exceeds ten thousand rupees, on the portion of such amount or value which is in excess of ten thousand rupees, up to fifty thousand rupees.	Three per centum.

Number.		Proper fee.
2. Certificate under the Succession Certificate Act, 1889— <i>concl'd.</i>	<p>When such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees, up to a lakh of rupees.....</p> <p>When such amount or value exceeds a lakh of rupees, on the portion of such amount or value which is in excess of a lakh of rupees.....</p>	<p>Four per centum:</p> <p>Five per centum.</p> <p>Note (1) When a certificate is extended under section 10 of the Act, a fee shall be paid equal to the difference between the fee which was paid when the certificate was granted under section 8 of the Act and the fee which would have been paid if the certificate so granted had also included debts and securities which were included in the certificate by such extension.</p> <p>(2) The amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.</p> <p>(3) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act and, where such a power has been conferred, whether the power is for the receiving of interest or dividend on, or for the negotiation or transfer of, the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.</p> <p>Subject to the provisions of paragraph VIII of section 19, the fee chargeable in the case of a succession certificate (article 2) on the portion of the value of the property in respect of which the certificate is granted shall be—</p>
3. Certificate under Bombay Regulation, 1827—shall		

## THE THIRD SCHEDULE.

(See section 22.)

## ENACTMENTS REPEALED.

Year.	Number	Short title.	Extent of repeal.
		<i>Acts of the Governor General in Council.</i>	
1870	VII	The Court-fees Act, 1870 ...	... Sections 27 and 34, and articles 11, 12 and 12A of the First Schedule.

Year.	Number.	Short title.	Extent of repeal.
1889	VII	The Succession Certificate Act, 1889 ...	Sub-section (1) of section 13.
1908	V	The Code of Civil Procedure, 1908 ...	Section 149.
		<i>Madras Act.</i>	
1922	V	The Madras Court-fees (Amendment) Act, 1922.	Sections 3, 6, 7 and 9 and articles 11 and 12 of Schedule I inserted by section 11 in the Court-fees Act, 1870.
		<i>Bengal Acts.</i>	
1922	IV	The Bengal Court-fees (Amendment) Act, 1922.	Sections 4, 7 and 8.
"	VI	The Bengal Court-fees (Amendment No. II) Act, 1922.	Section 3.
		<i>United Provinces Act.</i>	
1923	III	The United Provinces Court-fees (Amendment) Act, 1923.	Section 3.
		<i>Punjab Act.</i>	
1922	VII	The Court-fees (Punjab Amendment) Act, 1922.	Section 3.
		<i>Bihar and Orissa Act.</i>	
1922	II	The Bihar and Orissa Court-fees (Amendment) Act, 1922.	Sections 2, 4, 6, 9 and 10.
		<i>Central Provinces Act.</i>	
1923	I	The Central Provinces Court-fees Act, 1923.	Sections 10 and 11.
		<i>Assam Act.</i>	
1922	II	The Assam Court-fees (Amendment) Act, 1922.	Sections 3 and 8.
"	IV	The Assam Court-fees (Amendment) Act, 1922.	The whole.

## STATEMENT OF OBJECTS AND REASONS.

The Court-fees Act, 1870, has been in force for over fifty years and there are various anomalies and defects in it, which are a source of conflicting decisions and of inconvenience to litigants. Accordingly in August, 1916, the Government of India addressed the Local Governments, proposing certain amendments in the Act and asking for further suggestions. No immediate action however was taken by the Government of India upon the opinions received.

In 1920, under the Devolution Rules, "Judicial Stamps" became a provincial reserved subject; and in 1922 and 1923 eight local Legislatures amended the Schedules to the Act and also certain provisions in the Act itself, in order to raise additional revenue. The need for an amending Act in the Indian Legislature to deal with the procedure, principle and methods of realising fees has, however, not decreased, but on the contrary has become the more urgent as it is desirable as far as possible to co-ordinate the law prevailing in the different Provinces. The Government of India therefore again addressed the Local Governments in 1923 and received further suggestions from them.

In accordance with the replies received, it was decided to proceed with legislation on the abovementioned lines in the Indian Legislature. The object of the Bill is to revise the whole Act and bring it up to date. Its object is not to increase the provincial revenue from court fees, though possibly the removal of some of the existing anomalies may secure some slight increase. Several amendments which have been recently passed in the Madras Legislative Council and other local Legislatures are incorporated with slight alterations in the Bill.

The First and Second Schedules to the Act have not been amended, except in so far as they deal with Probate, Letters of Administration and Succession Certificates; and paragraph V of section 7, which is concerned with the valuation of immoveable property, has also, except in one comparatively unimportant particular, been left untouched. The main alterations proposed in the Bill are extensive changes in the remaining provisions of section 1 and the entire redrafting of the existing Chapter III A, which deals with Probates and Letters of Administration. It is also proposed to equalise the fees on applications for Probates, Letters of Administration and Succession Certificates throughout India. The main provisions are explained in the following Notes on Clauses:—

#### Notes on Clauses.

*Clause 2.*—The definition of “Chief Controlling Revenue authority” is brought up to date.

“Memorandum of appeal” is defined as including a memorandum of cross-objection. This follows section 2 (2) of Madras Act V of 1922, and is designed to meet the hardship mentioned in *Lakhan Singh versus Ram Kishan* (I. L. R. 41 All., p. 93).

“Suit” is defined as including an appeal. This is intended to change the law on the subject, but to confirm the view adopted in *Sangat Baksh Singh versus Rawat Dijeo Baksh* (25 Oudh Cases, p. 30) and *Dyal Singh versus Ram Rakha* (15 Indian Cases, p. 463). There are still conflicting decisions on the point.

*Clause 7 (a).*—The amendment is designed to show that, in an appeal by a defendant, court-fee is payable on interest from the date of the presentation of the plaint to the date of the decree (and not beyond that date), and in an appeal by the plaintiff, on any additional interest claimed by him. There are conflicting decisions in respect of the words “amount claimed”.

*Clause 7 (b) and first part of clause 7 (c).*—It is agreed that paragraph iv of section 7, which deals with cases in which the plaintiff is allowed to value the relief sought, is very unsatisfactory. The provisions in these clauses include:—

(a) one based on that which was contained in section 2 (b) of Madras Act I of 1922, namely, that relief should be valued at not less than Rs. 200 in cases falling under this paragraph;

(b) another based on that contained in section 6 of Madras Act V of 1922, namely, that, in suits for a declaratory decree where consequential relief is prayed and which relate to immoveable property, the fee shall be calculated on not less than one-half the computed value of the property;

(c) another based on a suit for accounts, where the decree is in accordance with the plaint, the defendant shall be allowed to put his own valuation on the memorandum of appeal. This follows the decision in *Dhupati versus Perindevamma* (I. L. R. 39 Cal. 725), as opposed to the ruling of the Allahabad High Court in *Kanhaiya Chellu Seth Ram* (I. L. R. 44 All., p. 542);

(d) another indicating that sub-clause (b) of paragraph iv is a case in which the claim of a person applying for the partition of joint family property, etc., is not denied; and by a further paragraph iv, included in clause 7 (c), it is provided that where the claim to be a co-parcener is denied, the person shall pay fee on the share claimed. This follows generally the lines of the rulings of the Calcutta and Allahabad High Courts, as opposed to the rulings of the Madras High Court.

*Second part of clause 7 (c).*—This deals with suits for the cancellation of decrees. The fee in such cases will be based on the value of the property in question. This provision follows section 7 of Madras Act V of 1922.

*Clause 7 (e).*—This amendment deals with suits for pre-emption, and is intended to meet the grievance alleged in the case of “*Daryao Singh versus Bharat Singh*” (I. L. R. 32 All. p. 19). The intention is that the fee should be computed on the market-value of the property, when, for instance, the property is subject to a heavy mortgage and the suit is only for the equity of redemption.

*Clause 7 (f).*—Paragraph viii has been redrafted so as to indicate that in suits to set aside an attachment and also in suits under Rule 63 of Order XXI in the Code of Civil Procedure, a fee should be paid according to the value of the attached property or the amount for which the property was attached, whichever is less. (*Of. the Privy Council Ruling I L. R. 35 Cal., p. 292.*)

*Clause 7(g).*—It is generally recognised that a change is necessary in paragraph ix of section 7, which deals with suits for redemption and foreclosure. Amendments have been made accordingly both by the United Provinces and the Central Provinces Legislative Councils. The provision in the Bill is based on section 4 of the Central Provinces Act I of 1923. A fee computed merely on the principal money is quite inadequate in suits for foreclosure.

*Clause 8.*—The intention of this clause is that the amount at which the plaintiff may value his relief shall not be arbitrary, and that the Court in which the suit or memorandum of appeal is filed shall be able at any stage of the suit or appeal, as the case may be, to check the valuation and to direct that additional fee shall be paid, failing which the part of the suit in question shall be dismissed. There have been conflicting rulings in respect of the power of the Courts to check the valuation and to demand additional fees.

*Clause 9.*—It has been found by experience that very exorbitant claims are made in references in land acquisition cases, because no fee is charged on such references. The proposal in this clause is designed merely to discourage exorbitant claims. No fee will be charged except in cases where the amount claimed exceeds double the amount subsequently awarded by the Court. The provision regarding appeals in such cases remains unchanged. The proposal in this clause involves the amendment of paragraph xxii of section 19.

*Clause 11.*—Section 11 has been redrafted in order to increase its scope, and to show that the fee is payable on the additional mesne profits found, for example, in a final decree under rule 12 (2) of Order XX in the Code of Civil Procedure. The second paragraph of section 11, which is obsolete, is omitted.

*Clause 12.*—This amendment makes it clear that the finality in sub-section (1) of section 12 does not apply to cases in which the classification of the suit is not correct. There have been conflicting rulings on this point.

*Clause 13.*—Section 17 regarding multifarious suits has occasioned considerable difficulty, especially in respect of the words "distinct subjects." The section has been redrafted in order to deal with this difficulty. For "distinct subjects" the words "separate and distinct causes of action" have been substituted.

By *Clause 14* a new Chapter IV, regarding Probates and Letters of Administration, has been inserted in the Act in the place of the existing Chapter III A, which has proved to be unsatisfactory. The new Chapter is based on the existing Chapter, but the order of the sections has been changed, and several additions have been made, particularly in new sections 19C, 19F and 19G. The existing provisions were introduced partly in 1875 and partly in 1899, and the two parts of the Chapter do not appear to have been properly coordinated.

The most important changes made are mentioned briefly below:—

New section 19A is based on the first part of existing section 19H. Except, in regard to the penalty upon new section 19G action is to be taken in this Chapter by the Collector and not by the Controlling Revenue authority. It is provided, therefore, in new section 19A that the High Court (as well as other Courts) shall send intimation direct to the Collector.

New section 19B enables the Collector to summon witnesses and compel the production of documents, as required.

New section 19C describes the circumstances in which probate may be granted. It provides for the grant of probate in certain cases before the fee on the net value of the estate has been actually paid; and also lays down that the fee shall be paid on trust property. The fee is to be calculated on the value of the estate of the deceased person at the time of his death, except when the application for probate is made more than a year after the death of the deceased, in which case it is to be calculated on the value at the date of application. In view of the difficulty of ascertaining the value at the date of death, in all cases from the date of death to the date of payment. The section further lays down that in the case of a joint Hindu family under Mitakshara Law, if he applies for probate in respect of the estate of a deceased co-parcener, must pay fee on the share of the deceased; there have been conflicting rulings on this point, and the proposal is very generally accepted by the members of the Hindu community consulted. The last provision in the section is that full deductions under Annexure B from the value of the estate shall be made only when the application is for probate of the whole estate.

New section 19D is based on the latter part of existing section 19H; but it provides that, instead of the Collector moving the Court, the applicant himself may, if so disposed, move the Court to make an inquiry as to the value of the estate. Sub-section (6) provides that the Court may pass orders regarding the costs of an inquiry.

New section 19E is the existing section 19C.

New sections 19F and 19G correspond fairly closely with existing sections 19A and 19E. They deal with the cases where the valuation on which fee has been paid is afterwards found to be incorrect. Similar provisions have been made for the two cases, namely, the case where too much was paid at first and the case where too little was paid at first. The stringency of the law contained in the existing section 19E has been considerably modified; and the only penalty imposed upon a person who has paid too low a fee in the first instance, unless he contumaciously refuses to pay the balance of fee due from him, will be an additional six per cent. simple interest on the balance. A time

limit of three years has been included, alike in the case where too little and where too much was first paid. The procedure for remission, if too high a fee has been paid, is simplified.

New sections 19H and 19I follow existing sections 19J and 19K with minor alterations.

Existing sections 19B, 19D, 19F and 19G, which are no longer required, are omitted.

*Clause 17.*—This includes a provision based on section 149 of the Code of Civil Procedure, as it is considered more appropriate to include it in the Court-fees Act than in the Code of Civil Procedure. Section 149 of the Code of Civil Procedure is repealed by the Third Schedule.

*Clause 18.*—This brings into two sections the rule-making provisions, which are now scattered over seven sections in four different Chapters of the existing Act, namely, sections 19H, 20, 21, 22, 23, 27 and 34. Chapter IV and sections 27 and 34 are accordingly repealed.

Additional rule-making powers are accorded in new section 30B with reference to the granting of an allowance for used, damaged or spoiled stamps. Sub-section 3) of this section is based on section 53 of the Indian Stamp Act, 1899.

*Clause 19.*—This extends the powers of Local Governments to reduce or remit fees.

*Clauses 20 and 21.*—These clauses amongst other alterations substitute for Articles 11 and 12A of the First Schedule of the Court-fees Act, 1870, a new Fourth Schedule dealing with the fees to be paid for Probates, Letters of Administration, and Succession Certificates. The object of these amendments is that there should be a uniform rate of fees for probates, etc., throughout India. It has been brought to the notice of the Government of India that certain difficulties are arising from the different fees now leviable. It is pointed out by the High Court of Calcutta that "in the case of Probate and Administration duties it would be advantageous if the rates could be kept uniform throughout India, and it is a matter for consideration whether the Central Legislature might not properly be asked to take measures to ensure such uniformity." Probate in certain cases extends to the whole of India, and it is, therefore, desirable that the rate of fees for probates should be the same throughout India. The provisions of the last paragraph of section 99 of the Probate and Administration Act, 1881, also point to the same conclusion. The provisions contained in the Bill apply the rates in force in Bengal, which rates are also enforced in Bihar and Orissa, and in Assam, to the whole of India, except in the case of Succession Certificates, where the uniform rate proposed will probably secure a less revenue than in the case of the Bengal rate.

W. M. HAILEY.

DELHI, the 10th March 1924.

H. MONCRIEFF SMITH,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 25th March 1924 :—

No. 22 OF 1924.

*A Bill to validate certain insufficiently and incorrectly stamped instruments.*

WHEREAS it is expedient to make provision for validating certain insufficiently and incorrectly stamped instruments; It is hereby enacted as follows :—

Short title,  
extent and com-  
mencement

1. (1) This Act may be called the Indian Stamp (Validating) Act, 1924 ;

(2) It extends to the whole of British India, including British Baluchistan, the Sonthal Parganas and the Pargana of Spiti ; and

(3) It shall come into force on the 1st day of April 1924 .

Definitions

2. In this Act, unless there is something repugnant in the subject or context,—

(a) 'the old Act' means the Indian Stamp Act, 1899.

II of 1899

(b) 'the new Act' means the Indian Stamp (Amendment) Act, 1923.

XLIII of 1923

(c) 'instruments' means promissory notes as defined by section 2 (22) of the old Act and also the documents mentioned in Articles No. 19, No. 36, No. 37 and No. 52 of Schedule I to the old Act.

(d) 'incorrectly stamped' means not stamped with stamps of the proper denomination.

Saving of ins-  
truments insuffi-  
ciently stamped

3. Notwithstanding the provisions of the new Act instruments executed or on or before the thirty-first day of December, 1923, and validly stamped in accordance with the provisions of the old Act shall not be invalid or inadmissible in evidence solely of their being insufficiently or incorrectly stamped under the new Act.

Insufficiently  
stamped instru-  
ments to be  
deemed duly  
stamped under  
the new Act.

4. The instruments mentioned in section 3 above shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, and shall be acted upon, registered or authenticated by any such person or by any public officer, as if they were duly stamped under the new Act.

## STATEMENT OF OBJECTS AND REASONS.

The Indian Stamp (Amendment) Act of 1923 is said to have received the assent of the Governor General on the 1st October 1923. The Act was, however, published in the Gazette of India only on the 6th October and in the Fort Saint George Gazette on the 16th October 1923. It is not stated definitely when the Act comes into operation. Under section 5 (1) of the General Clauses Act, 1897, it would, therefore, come into operation on the day on which it received the assent of the Governor General. Documents executed between the 1st and the 16th October would in all probability have been stamped under



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the old Act. A suit to enforce such promissory notes for more than Rs. 250 and executed between these two dates would be unsustainable as the document could not be put in evidence and stamp penalty could not be levied therefor. (*Vide* sections 35, 40 and 41 of the Stamp Act.) Such cases would result in serious hardship, and it is proper that legislative sanction must be given to such documents. It is but reasonable that some time must be allowed to elapse before the public can be expected to become aware of the provisions of the Amending Act. The object of this Bill is, therefore, to validate all such documents executed before the 31st December 1923, provided they are validly stamped under the old Act. Provision is also made in the Bill to validate such documents executed before the 31st December 1923, even if they are not stamped with stamps of the proper denominations as required by the rules made under the Amending Act.

R. K. SHANMUKHAM.

*The 14th January, 1924.*

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 25th March 1924 :—

No. 24 OF 1924.

*A Bill further to amend the Indian Evidence Act, 1872.*

WHEREAS it is expedient further to amend the Indian Evidence Act, 1872 : It is hereby enacted as follows—

I of 1872

Short title and commencement

1. (1) This Act may be called the Indian Evidence (Amendment) Act, 1924.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

Amendment of section 68, Act I of 1872

2. To section 68 of the Indian Evidence Act, 1872, the following *Explanation* shall be added, namely :—

*“Explanation.—Proof of execution under this section may be presumed to have been made where the attester proves his presence at the execution or the acknowledgment thereof by the executant.”*

## STATEMENT OF OBJECTS AND REASONS.

In 35 Madras 607 the Privy Council have decided that the word “attested” within the meaning of section 59 of the Transfer of Property Act, means actual seeing of the execution by the attester. Section 68 of the Evidence Act gives the mode of proof to be given of documents that require by law to be attested. The decision of the Privy Council has caused considerable difficulty in administering justice even when a party is *ex parte* or admits execution, if the attestors are gained over. A Bill to amend section 114 of the Indian Evidence Act to serve the end in view was introduced by the Government on 21st February 1921 as not suitable and disallowed. But it was generally felt that a remedy for this state of things was necessary. The previous attempts have been in fruit also. It is proper that the needed amendment must be made to section 59 of the Transfer of Property Act or section 68 or section 114 of the Indian Evidence Act. It is submitted that though the substantive law may continue as before, the proof needed may be simplified so as to give scope for being rendered where formal impediments stand in the way. Difficulties have arisen in enforcing documents offered to give immoveable property with the Bill is intended to serve the ends of justice. The scope and principle of the Bill is to find the suitable amendment. It might be noted that in section 59 of the Transfer of Property Act the words used are “signed by the mortgagor and attested”.

K. RAMA AYYANGAR.

DELHI ;

22nd February 1924.

H. MONCRIEFF SMITH,

Secretary to the Government of India.





# The Calcutta Gazette

WEDNESDAY, JUNE 11, 1924.

## PART IV.

***Bills Introduced in the Bengal Legislative Council, Report of Select Committees presented or to be presented to that Council, and Bills published before introduction in that Council.***

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

### NOTIFICATION.

No. 273T.L., dated Darjeeling, the 30th May, 1924.—His Excellency the Governor having been pleased to order, under rule 18 of the Bengal Legislative Council Rules, 1920, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the "*Calcutta Gazette*," the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

### THE HOWRAH BRIDGE BILL.

#### CONTENTS.

##### CLAUSE.

1. Short title and commencement.
2. Definitions.
3. Provisions of Act to be carried out by body of Commissioners.
4. Power to construct new bridge.
5. Power to Commissioners to raise loan.
6. Power to Local Government to order Commissioners to undertake work of construction and maintenance.

## CLAUSES.

7. Powers of Commissioners in respect of construction, etc., of new bridge.
8. Power to levy taxes and cesses.
9. Collection of taxes and cesses.
10. Power to require returns of passengers.
11. Contribution by Calcutta Tramways Company.
12. Contribution by Local Government.
13. Power to Local Government to vary taxes and cesses and make exceptions.
14. Property and moneys to vest in the Commissioners in trust.
15. Accounts.
16. Estimates of income and expenditure.
17. Procedure on failure of local authorities to make payment.
18. Recoveries.
19. Powers in case of default by Commissioners.
20. Power to Local Government to make rules.
21. Power to Local Government to make by-laws.
22. Indemnity.
23. Penalty for infringement of by-law.
24. Offences and penalties.
25. Power to alter Schedules.

## THE HOWRAH BRIDGE BILL, 1924.

A

## BILL

*to provide for the construction, maintenance and control of a new bridge across the river Hooghly between Calcutta and Howrah.*

Preamble.

WHEREAS it is expedient that a new bridge across the river Hooghly between Calcutta and Howrah be constructed and maintained;

And whereas the previous sanction of the Governor General under sub-section (3) of section 80A of the Government of India Act has been obtained to the passing of this Act:

5 & 6, Geo.  
V, c. 61, 6  
A 7, Geo. V,  
c. 37, 9 &  
10, Geo. V, c.  
101.

It is hereby enacted as follows:—

Short title and commencement

1. (1) This Act may be called the Howrah Bridge Act, 1924.

(2) It shall come into force on such date as the Local Government may, by notification, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context.—

(1) "Calcutta" has the same meaning as in clause (11) of section 3 of the Calcutta Municipal Act, 1923;

Ben. Act III  
of 1923

(2) "the Commissioners" means the Commissioners for the new Howrah Bridge, hereinafter incorporated under the provisions of section 3;

(3) "notification" means a notification published in the *Calcutta Gazette*;

(4) "the existing bridge" means the floating bridge across the river Hooghly, the construction of which was authorised by the Howrah Bridge Act, 1871; and

Ben. Act IX  
of 1871

(5) "year" means a financial year.

Provisions of Act to be carried out by body of Commissioners.

3. (1) The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a body of Commissioners to be called "the Commissioners for the New Howrah Bridge."

(2) Such body shall be a body corporate and have perpetual succession and a common seal, and shall by its corporate name sue and be sued.

(3) The members of the Board of Trustees for the Improvement of Calcutta for the time being, shall be the Commissioners for the new Howrah Bridge.

(4) Subject to the provisions of this Act, the Commissioners shall have for the purposes of this Act all the powers which are conferred by the Calcutta

*The Howrah Bridge Bill, 1924.*

(Clauses 4—7.)

Improvement Act, 1911, on the Board of Trustees for the Improvement of Calcutta for the entertainment of their establishment and all matters connected with such establishment, whether of officers or servants, and for the conduct of their business as Commissioners and the validity of their acts and proceedings.

Ben. Act V  
of 1911.

(5) The Commissioners shall be entitled to receive such fees for the performance of their duties under this Act as the Local Government may, by rule, prescribe. Such fees shall be paid from the new Howrah Bridge Trust Fund created by this Act.

Power to construct new bridge

4. The Commissioners shall have power to cause a new bridge to be constructed across the river Hooghly between Calcutta and Howrah of such design, and of such materials of such quality, and at such place, as the Local Government may direct, and also such approaches to the new bridge as the Local Government may deem necessary and the Commissioners shall have power to cause the new bridge and its approaches to be maintained and controlled.

Power to Commissioners to raise loan.

5. (1) The Commissioners shall have power from time to time to borrow any sum necessary, at such rate of interest, and for such period, and upon such terms as to the time and method of repayment, and on such other terms and conditions, as the Local Government may approve, for the purpose of the construction of the new bridge and its approaches:

Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be taken by the Commissioners, unless the terms including the date of flotation of such loan have been approved by the Government of India.

(2) The Local Government shall have power to guarantee the service and repayment of any loan raised under the provisions of sub-section (1) or any part of such loan.

Power to Local Government to order Commissioners to undertake work of construction and maintenance.

6. (1) The Local Government may, by notification, order the Commissioners to raise the loan or loans referred to in section 5 and to undertake and complete within such period as the Local Government may fix, the construction of the new bridge and its approaches and thereafter to undertake the maintenance and control of the same, and the Commissioners shall comply with the said order.

(2) The Local Government may, by notification, for reasons to be recorded therein, extend the period fixed under the provisions of sub-section (1).

Powers of Commissioners in respect of construction, etc., of new bridge.

7. From the date of the issue of the notification under sub-section (1) of section 6 the Commissioners shall have for the construction, improvement, maintenance and control of the new bridge and its approaches and for all other matters ancillary thereto all the powers which are conferred by the Calcutta Improvement Act, 1911, on the Board of Trustees for the Improvement of Calcutta for the construction, improvement, maintenance and control (and for all matters ancillary thereto) of bridges constructed or to be constructed under the provisions of section 149 of that Act, and the provisions of that Act relating to

*The Howrah Bridge Bill, 1924.*

(Clause 8.)

the acquisition of and entry upon land shall apply to the acquisition of and entry upon land for the purpose of the construction of the new bridge and its approaches.

Power to levy  
taxes and cesses.

8. It shall be lawful for the Local Government at any time after the commencement of this Act, to cause to be levied for the purposes of this Act all or any of the following taxes and cesses:—

(i) a tax of not more than one *per cent.* on the annual valuation of all lands and buildings in Calcutta as determined by the Corporation of Calcutta under Chapter X of the Calcutta Municipal Act, 1923;

Ben. Act III  
of 1923

(ii) a tax of not more than one *per cent.* on the annual rateable value of holdings situated within the municipalities of Howrah and Tollygunge and within the South Suburban municipality as determined by the Municipal Commissioners, under section 96 of the Bengal Municipal Act, 1884;

Ben. Act III  
of 1884

(iii) a cess at the rate of not more than two pies per maund on all classes of goods, except salt, manganese-ore and coal, brought into or taken from the railway stations and sidings named in the First Schedule to this Act or brought into or taken from the area within the limits set forth in the Second Schedule to this Act by inland steam-vessel, motor-vessel or boat;

(iv) a tax of three pies on every passenger brought to or taken from any station named in the said First Schedule by railway in respect of each single journey so made by him;

Provided that the said tax may in the case of passengers taking suburban season tickets be calculated at the rate of six annas each *per mensem* for each such ticket or at such lower rate as the Local Government may, by notification, prescribe;

(v) a tax of eight annas on every passenger brought to or taken from the Port of Calcutta by sea-going vessels in respect of each voyage so made by him;

(vi) a tax of three pies on every passenger travelling by the ferry service established by the Commissioners for the Port of Calcutta under the provisions of clause (7a) of section 35 of the Calcutta Port Act, 1890, in respect of each single journey so made by him, the fare of which is one anna or more; and

Ben. Act III  
of 1890

(vii) a tax on all or any classes of vehicle within Calcutta and the municipalities named in clause (ii) at such rates as the Local Government may, by notification, prescribe.

• *Explanation.*—The expression "inland steam-vessel", as used in clause (iii), has the same meaning as in clause (1) of section 2 of the Inland Steam-vessels Act, 1917, and the word "passenger", as used in clause (v), has the same meaning as in clause (8) of section 2 of the Indian Merchant Shipping Act, 1923.

I of 1917

XXI of 1923



*The Howrah Bridge Bill, 1924.*

(Causes 9, 10.)

Collection of  
taxes and cesses

9. (1) The taxes leviable under clauses (i) and (ii) of section 8 shall be treated as if they were a part of the consolidated rate imposed under section 124 of the Calcutta Municipal Act, 1923, or of the rate leviable under section 85 of the Bengal Municipal Act, 1884, as the case may be, and shall be collected by the Corporation of Calcutta and the Commissioners of the Municipalities named in clause (i) of section 8 in the manner provided in the Calcutta Municipal Act, 1923 and the Bengal Municipal Act, 1884, respectively.

Ben. Act  
III of 1923.  
Ben. Act  
III of 1884.

(2) The cess leviable under clause (iii) of section 8 shall be collected—

(a) on goods imported or exported by rail, by means of a surcharge on freight, by the administration of the railway by which the goods are carried; and

(b) on goods imported or exported by river, by means of a surcharge on the tolls, dues, rates and charges leviable under the scale framed under section 10 of the Calcutta Port Act, 1890, by the Commissioners for the Port of Calcutta.

Ben. Act  
III of 1890

(3) The tax leviable under clause (iv) of section 8 shall be collected by means of a surcharge on fares, by the administration of the railway by which the passengers are carried.

(4) The tax leviable under clause (v) of section 8 shall be collected by means of a surcharge on fares, by the owner of the vessel by which the passengers are carried.

(5) The tax leviable under clause (vi) of section 8 shall be collected by means of a surcharge on fares, by the Commissioners for the Port of Calcutta.

(6) The tax leviable under clause (vii) of section 8 shall be collected by the Corporation of Calcutta and the Commissioners of the municipalities referred to in that clause as if they were taxes and fees levied under sections 165 and 184 of the Calcutta Municipal Act, 1923, or taxes and fees levied under sections 131 and 144 of the Bengal Municipal Act, 1884, as the case may be.

Ben. Act  
III of 1923.  
Ben. Act  
III of 1884

(7) The taxes and cesses collected as prescribed in this section shall be paid direct to the Commissioners by the collecting agency at such times as may be prescribed by the Local Government after making such deduction as the Local Government may approve to meet any expenses incurred in connection with the levy and collection of the said taxes and cesses.

*Explanation.*—The word "administration" as used in sub-sections (2) and (3) has the same meaning as in clause (6) of section 3 of the Indian Railways Act, 1890.

IX of 1890

Power to  
require returns  
of passengers

10. The Local Government may, by notification, direct that the owner of every inland steam-vessel referred to in clause (iii) of section 8 and of every sea-going vessel referred to in clause (v) of that section shall prepare and deliver or cause to be prepared and delivered to the Commissioners each quarter a return, in the form prescribed by rule made under section 20, of all passengers carried by such vessel and shall subscribe at the foot of such return a declaration of the truth thereof.

*The Howrah Bridge Bill, 1924.**(Clauses 11—15.)*

Contribution  
by Calcutta  
Tramways Com-  
pany

**11.** (1) The Calcutta Tramways Company, Limited, constituted under the Calcutta Tramways Act, 1880, shall pay to the Commissioners at such time and in such manner as may be prescribed by the Local Government a sum of fifty thousand rupees *per annum* or such less sum as the Local Government may, from time to time, by notification, prescribe, for the purposes of this Act.

Ben. Act 2  
of 1880.

(2) The Local Government may authorise the construction, maintenance and use of a tramway or tramways over the new bridge and its approaches on such terms as they may consider suitable.

Contribution  
by Local Govern-  
ment

**12.** The Local Government shall pay a sum of five lakhs of rupees *per annum* towards the service and repayment of the loan raised under the provisions of section 5:

• Provided that, if the Local Government in accordance with the provisions of section 13 reduce the rate of the taxes leviable under clauses (i) and (ii) of section 8 or under either of those clauses, they may also reduce the amount of the said contribution by a sum proportionate to the amount by which the total yield of the taxes levied under those two clauses during the year following such reduction is less than the total yield of the said taxes during the preceding year.

Power to Local  
Government to  
vary taxes and  
cesses and make  
exceptions.

**13.** The Local Government may, by notification,—

- (i) vary the rates at which the taxes, cesses and other payments leviable under sections 8 and 11 are to be paid;
- (ii) exempt all or any classes of persons on whom, or of vehicles or goods on which, taxes or cesses are leviable under section 8 from payment thereof;
- (iii) exempt the Calcutta Tramways Co., Ltd., from the payments leviable under section 11:

Provided that the Local Government may by notification cancel or modify any order made under this section.

Property and  
moneys to vest in  
the Commis-  
sioners in trust.

**14.** (1) All property, movable and immovable, acquired or in any way otherwise procured for the construction, improvement, maintenance and control of the new bridge and its approaches, and the new bridge and its approaches and all moneys received by the Commissioners under this Act shall vest in the Commissioners in trust for the purposes of this Act.

(2) All moneys received by the Commissioners for the purposes of this Act shall form a separate fund which shall be known as the New Howrah Bridge Trust Fund.

(3) The Local Government may by rule provide for the payment of moneys into the New Howrah Bridge Trust Fund, for the investment by the Commissioners of moneys received into that fund and for the custody and disbursement of such moneys.

Accounts.

**15.** The Commissioners shall keep such accounts as the Local Government may prescribe of all expenditure in or about the construction or maintenance

*The Howrah Bridge Bill, 1924.*

(Clauses 16—20.)

of the new bridge and its approaches, and of the collection of taxes, cesses and contributions in relation to the new bridge, and also of the income derived from taxes, cesses and contributions. The accounts shall be examined from time to time by auditors appointed in this behalf by the Local Government.

Estimates of  
income and ex-  
penditure

**16.** The Commissioners shall for each year prepare an estimate of income to be received and expenditure to be incurred by them in accordance with, and for the purposes of, this Act in the manner set forth in sections 108, 109, 110, 112 and 113 of the Calcutta Improvement Act, 1911.

Ben. Act  
of 1911

Procedure on  
failure of local  
authorities to  
make payment

**17.** If the Corporation of Calcutta or the Commissioners of any of the Municipalities named in clause (ii) of section 8 fail to make any payment as required by section 9 the Local Government may attach the Municipal Funds or any of them in the manner set forth in section 116 of the Calcutta Improvement Act, 1911.

Recoveries

**18.** Any sum due to the Commissioners under the provisions of this Act shall be recoverable by the Commissioners in the manner provided for the recovery of a public demand.

Powers in case  
of default by  
Commissioners.

**19.** If in the opinion of the Local Government the Commissioners have made default in the performance of their duties under this Act, the Local Government may, by notification, dissolve the body established by section 3 and may, by notification, establish another body of trustees for the purpose of this Act, or take under their own management the construction, maintenance, improvement and control of the new bridge and its approaches and the arrangements for the service and repayment of the loan raised under the provisions of section 5; and thereafter for all the purposes of this Act the powers conferred and duties imposed by this Act upon the Commissioners and all contracts entered into or liabilities incurred by the Commissioners under this Act shall be deemed to be transferred to the trustees so appointed or to the Local Government, as the case may be, and the said trustees or the Local Government, as the case may be, may enter on the new bridge and its approaches and may take possession of the same and of all properties and moneys vested by this Act in the Commissioners.

Power to Local  
Government to  
make rules.

**20.** (1) The Local Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the Local Government may make rules—

(a) regulating the collection of taxes and cesses which may be imposed under this Act and the payment thereof to the Commissioners, and

(b) prescribing the form of return required by section 10 and the particulars to be contained therein and the manner in which the return is to be verified.

*The Howrah Bridge Bill, 1924.*

(Clauses 21—25.)

Power to Local  
Government to  
make by-laws.

**21.** The Local Government may, after previous publication, by notification, make by-laws for carrying out the purposes of this Act, and in particular—

- (a) for the safe and convenient use of the new bridge and the approaches thereto and any tramway constructed thereon, and
- (b) for the passage of boats and vessels under the new bridge.

Indemnity.

**22.** No person shall be entitled to any compensation for any loss or injury which he may sustain by reason of any obstruction to the navigation of the river Hooghly which may be caused by operations connected with the construction or repair of the new bridge, or for any interference with any rights vested or otherwise, which may result from operations connected with the construction or repair of the new bridge.

Penalty for in-  
fringement of by-  
law.

**23.** No penalty for any one infringement of a by-law shall exceed one hundred rupees, nor in case of a continuing infringement shall any penalty exceed fifty rupees *per diem* for every day after notice of such infringement shall have been given by or on behalf of the Commissioners to the person guilty of such infringement.

Offence  
punishable

**24.** The offences mentioned in column 1 of the following table shall be punishable to the extent mentioned in column 2 thereof with reference to such offences respectively :—

1.	2.
(1) Omitting to make any return required by section 10 or refusing to sign or complete the same.	Fine not exceeding one thousand rupees.
(2) Making and delivering any such return containing any statement not true to the best of the information and belief of the person making the same.	The penalty provided in section 199 of the Indian Penal Code for making a false statement in a declaration.
(3) Otherwise contravening any rule made under section 20.	Fine not exceeding five hundred rupees.
(4) Wilfully evading or attempting to evade payment of any contribution, cess or tax payable under this Act.	Fine which may extend to fifty rupees or imprisonment which may extend to 14 days or both.

Power to alter  
Schedules.

**25.** (1) The Local Government may, after previous publication, from time to time alter or add to either or both of the Schedules to this Act, or cancel any part of those Schedules :

Provided that no addition shall be made to the first schedule to this Act without the previous sanction of the Governor General in Council.

(2) All references in this Act to either of the said Schedules shall be construed as references to such Schedule as for the time being so amended.

*The Howrah Bridge Bill, 1924.**(The first schedule.)*

## THE FIRST SCHEDULE.

## NAMES OF RAILWAY STATIONS AND SIDINGS.

[See section 8(iii) and (iv).]

*East Indian Railway.*

Howrah, Ramkrishnapur (Shalimar Branch), Howrah Punjab Line, Fairlie Place Goods Depot, Shalimar Coal Yard, Chitpur, Cossipore Road, Ultadanga, Sealdah, Kidderpore Docks and Kantapukur.

*Eastern Bengal Railway.*

Calcutta (Sealdah), Chitpur, Chitpur Ghat, Cossipore Road, Ultadanga, Pattipukur and Kidderpore Docks.

*Bengal-Nagpur Railway.*

Garden Reach, Shalimar, Ramkrishnapur, Shalimar Branch, Armenian Ghat (C. S. N. Coy.), Kidderpore Docks and Howrah.

*Port Commissioners.*

(1) Sidings served by Kidderpore Docks (Hide Shed Sidings, Chetla, Panighat, Baloghhat, Babu Ghat, Watgunge, East Grid, Noolopara, Durgapur, Remount Depot, Kutfi Road, and Upper Hooghly Mills); (2) Cossipore (Bokultala, Cossipore, Nawabputty, and Dhuneeah Ghat); (3) Bagh Bazar (Bagh Bazar, Golabari, and Thanabari); (4) Rutherford (Maila Falah, Nundibari, Mohaprovu's Ghat, Hatkhola, Beniatollah, and Rutherford); (5) Sahib Bazar (Sadar Ghat, Miratolla, Manik Babu's Ghat, Sahib Bazar, Neematallah, and Mint Ghat); (6) Jetties; and (7) Kantapukur.

*Howrah-Amta and Howrah-Sheakhala Light Railways.*

Howrah Ghat and Howrah Maidan.

*The Howrah Bridge Bill, 1924.**(The second schedule.)*

## THE SECOND SCHEDULE.

[See section 8 (ii).]

On the *north* a line drawn due westwards across the river Hooghly from the northern extremity of the Cossipore Gun Factory.

On the *south* a line drawn due southwards across the river Hooghly from the southern extremity of Garden House in Garden Reach.

**STATEMENT OF OBJECTS AND REASONS.**

The existing Howrah Bridge is nearly 50 years old and has outlived its span of life, and there is a consensus of opinion that it is necessary to construct a new and up-to-date bridge at an early date. In October 1920 public bodies and representative associations in Calcutta were consulted on the various proposals that had been made for a new bridge with special reference to the type which should be adopted. In the discussions which ensued the necessity for an opening span for the passage of ocean-going steamships was questioned and a committee was appointed in June 1921 to investigate the matter. This committee reported in July 1921 that it would suffice to have a bridge with a fixed headway permitting the passage of inland craft. Government accepted this view and referred the final decision as to the type of bridge to be adopted to an expert committee presided over by Sir R. N. Mukherjee, K.C.I.E. This committee after having examined the several types of bridges placed before them unanimously recommended that the new bridge should be of the cantilever type of the dimensions and general descriptions shown in their report; they observed that no time should be lost in building the new bridge in view of the serious condition of the existing floating bridge and the grave consequences which would result from its failure and suggested that specifications and tenders should be obtained without waiting for a decision on the financial aspects of the proposals. Government, however, considered that no useful purpose would be served by such action and obtained the necessary particulars from the Consulting Engineers to the India Office. It is now estimated that the total cost of the scheme (including approaches and claims for compensation put forward by interests injuriously affected) will not exceed Rs. 6,34,00,000. In January 1923 a representative committee presided over by the Finance Member of Government was appointed to consider proposals for financing the scheme and to report on the ability of the trade and people of Calcutta and its neighbourhood to bear the charges which would be involved. The recommendations of this committee, which have been accepted by Government, show that it is possible to finance a bridge of the cantilever type. This bill is drafted to give effect to the recommendations of the two last-named committees.

CALCUTTA;

*The 10th January, 1924.*

J. DONALD,

*Member in charge.*

J. BARTLEY,

*Secretary to the Government of Bengal and  
Secretary to the Bengal Legislative Council (offg.).*





# The Calcutta Gazette

WEDNESDAY, JUNE 25, 1924.

## PART IV.

***Bills introduced in the Bengal Legislative Council, Report of Select Committees presented or to be presented to that Council, and Bills published before introduction in that Council.***

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

### NOTIFICATION.

No 1535L., dated Darjeeling, the 23rd June, 1924—His Excellency the Governor having been pleased to order, under rule 18 of the Bengal Legislative Council Rules, 1920, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information :—

## THE BENGAL TENANCY (AMENDMENT) BILL, 1924.

### BILL

*further to amend the Bengal Tenancy Act, 1885.*

WHEREAS it is expedient further to amend the Bengal Tenancy Act, 1885, in the manner hereinafter appearing.

VIII of  
1885

It is hereby enacted as follows :—

Short title

1. This Act may be called the Bengal Tenancy (Amendment) Act, 1924.

Amendment of  
section 20 of  
Act VIII of 1885.

2. To section 20 of the Bengal Tenancy Act, 1885, the following shall be added, namely—

“(8) A person who has held land situated in any area for twelve years partly before and partly after such area has been constituted a village within the meaning of clause (10) of section 3, shall be deemed for the purposes of this section to have held the land for twelve years within the village so constituted.”



**STATEMENT OF OBJECTS AND REASONS.**

In an area of about 390 square miles in the Sundarbans of Khulna district, notifications constituting villages within the meaning of clause (10) of section 3 of the Bengal Tenancy Act were not published until the years 1914 and 1916. In connection with the settlement operations now being carried out in Khulna district, the question arose whether tenants who have held lands in this area for more than 12 years have acquired occupancy rights. In a suit between the Port Canning and Land Improvement Company and some of their tenants, the High Court have held that occupancy rights have not accrued, and that in order that an occupancy right may be acquired, the land must be held in a village for a period of 12 years, and that if the land has not been comprised in any village in the statutory sense, the condition of acquisition of the occupancy right has not been complied with.

The result of this ruling is that, unless legislation be undertaken, tenants who have held lands in this area for more than 12 years cannot be shown as possessing occupancy rights in the record-of-rights which is now being prepared. The object of the Bill is to confer the status of a settled raiyat on such tenants and thereby to make it possible for the Settlement Officer to show in the record-of-rights that they have occupancy rights. The declarations constituting villages in this area under clause (10) of section 3 of the Bengal Tenancy Act were made with the object of enabling the tenants to acquire occupancy rights, and it is considered just that they should not be deprived of these rights by the interpretation which has been given to the existing law by the High Court.

The matter is urgent, because the Director of Land Records reports that the record-of-rights of part of the area affected is now being printed. It has therefore been decided to introduce this Bill without waiting for the introduction of the Bill amending other sections of the Act.

B. N. BASU,

*Member in charge*

CALCUTTA:

*The 19th June, 1924.*

J. BARTLEY,

*Secretary to the Government of Bengal and  
Secretary to the Bengal Legislative Council (offg.).*



# The Calcutta Gazette

WEDNESDAY, JULY 2, 1924.

## PART VI.

*Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules..*

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

#### REPORT OF THE SELECT COMMITTEE ON THE BILL FURTHER TO AMEND THE INDIAN PENAL CODE.

We, the undersigned, Members of the Select Committee to which the Bill further to amend the Indian Penal Code was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. We have carefully considered whether the enactment of the Bill would produce a position in which the orthodox Hindu would be placed under the necessity of violating either the law of the land or the requirements of his religion. We recognise that in certain quarters the opinion is still widely entertained that the *Shastras* enjoin the consummation of marriage immediately on the attainment by the wife of the age of puberty, but we are satisfied that this view is rapidly losing ground and that, even where theoretically accepted, it tends to be honoured more in the breach than in the observance. We are also satisfied that failure to consummate marriage on the attainment by the wife of the age of puberty would nowhere constitute a religious offence to the commission of which any form of social penalty or religious expiation would attach. In these circumstances, we consider that the Bill should be proceeded with, but we recommend that its further progress be stayed until there has been an opportunity to elicit public opinion on our Report and on the Bill as amended by us.

3. We have carefully considered the expediency of modifying the provisions of clause 2 of the Bill. A minority of us are of opinion that a cautious advance should be made, and think that the simplest course would be to raise the age of consent to 13 years both within and without the marital relation. A further minority, while accepting the raising of the age outside the marital relation to 14 years, would prefer

within that relation to raise it to 13 years only, or in one case to leave the age at 12 years. The majority of us, however, favour the provision made in the Bill and we have, therefore, left the substance of clause 2 unaltered.

4. Some of those who favour the raising of the age within the marital connection to 13 years only would have been prepared, had their view prevailed, to leave the existing penalty untouched. We are, however, unanimously of opinion that if the age is raised to 14 years both within and without the marital connection, there should be a reduction of the maximum penalty in cases in which the sexual intercourse is between man and wife and the wife is between 12 and 14 years. By a majority we are of opinion that the reduction in question should be to imprisonment of either description for a term not exceeding two years, or fine or both. We have made the necessary addition to section 376 of the Indian Penal Code and a consequential amendment in Schedule II to the Code of Criminal Procedure, 1898, in clauses 3 and 4 which we have inserted in the Bill.

5. The Bill was published in the *Gazette of India*, dated the 23rd February 1924.

6. We think that the Bill has been so altered as to require republication.

W. M. HAILEY.\*

HENRY J. STANYON, COL.\*

M. RAMACHANDRĀ RAO.

P. S. SIVASWAMY AIYER.

M. A. JINNAH.

GULAB SINGH.

N. M. JOSHI.

MD. YAKUB.

MADAN MOHAN MALAVIYA.\*

K. RAMA AIYANGAR.\*

V. N. MUTALIK.\*

B. C. ALLAN.

BIPIN CH. PAL.

DARCY LINDSAY.

S. C. GHOSH.\*

H. S. GOUR.

The 15th March, 1924.

\* Subject to minute of dissent

#### MINUTES OF DISSENT.

I am myself in favour of the more cautious course indicated at the beginning of paragraph 3, namely, to raise the age to 13 years for all purposes. I recommend this as an initial step, a further enhancement being taken when social conditions are improved.

W. M. HAILEY—10-3-1924.

I agree generally with the Honourable Sir Malcolm Hailey that this is a matter in which we must advance cautiously—one in which the Legislature must move more or less with public opinion. Puberty, especially in India, does not arrive by clock work at any particular age. Some girls at 12 years are still as undeveloped as if they were of 9 or 10; others are more like girls of 14 or 15. Much depends on physique, heredity and environment. Therefore a public opinion or legislation guided only by puberty would be impractical. But of this there is no doubt that sexual intercourse with a girl as soon as she attains puberty is harmful to her, and against the interests of the race generally.

Therefore I should like to see the age of consent raised to 14, and I should certainly support a provision to make non-marital intercourse with a girl under 14 punishable as rape. But so far as husband and wife are concerned, there seem to be practical difficulties in the way of effective legislation. With the husband and the parents of the girl of one mind who can possibly prove that the age of a particular girl is over 12 but under 14? A provision for reduced punishment in such a case will be a dead letter. Medical evidence of age will be found doubtful: vital statistics in most cases will prove of no value: and even if inquisitorial prosecutors can be found to institute cases against husbands in such cases Courts will not convict. If there is a feeling to raise the age all round to 13, I will support it, but I doubt its practical value in marriage cases.

H. J. STANYON, COL., M. L. A.—11-3-1924.

I feel strongly that married persons ought not to be brought within the provision of the section where girls are over 12. The Hindu family system where many relations live together and the high sense of chastity cultivated by its civilisation ought not to be lightly interfered with by legislation. Society fast improves in this direction. Statistics and the opinion of all members prove this endeavour. So law need not interfere at this stage on marital relations.

K. RAMA AIYANGAR.

I am entirely in favour of the age of consent being raised to 14 years as against a stranger. I am also in agreement with the view that even a person to whom a girl has been married, should not consummate the marriage, until the married girl has completed her fourteenth year. But unfortunately marriages are permissible and take place in large numbers before a girl has reached the age of twelve. And in 65.7 cases out of a 100, Indian girls begin to menstruate between the ages of 12 and 14. The age of marriage and the period of the consummation of marriage are steadily rising, and I am inclined to believe that as a matter of fact marriages are not consummated in a very large number of cases before a girl has completed her fourteenth year. Still I think we ought not to overlook the fact that there is a widespread idea among the people that a young woman becomes fit to live with her husband as soon as she begins to menstruate. I agree with the opinion that this is a wrong idea. I myself think that a woman should live with her husband only after she has completed her sixteenth year. But in view of the fact that marriages take place before twelve and of the widespread belief to which I have referred above, and also the religious belief prevalent among a considerable section of the people that it is the duty of a husband to live with his wife after she has begun to menstruate, I do not think cohabitation by a husband with his wife who is above the age of 12 should be made punishable by law. I note that it is proposed to inflict a shorter term of punishment on husband than that to which a stranger will be liable. But having given the matter my most careful consideration, I am unable to advise that such a law should be passed at present.

There is a widespread movement in the Hindu community to raise the age of marriage and to delay the period of the consummation of marriage even when a marriage takes place earlier than 12 years. I think that it will be right at least to postpone the enactment of such a law as is proposed and leave it to Hindu social and religious reform associations to educate public opinion regarding the evil results of the consummation of marriage before the age of fourteen. I agree with the recommendation that the Bill as amended should be republished to elicit public opinion.

MADAN MOHAN MALAVIYA—15-3-1924.

This Bill promises to be one of the "hardy annuals" before the Assembly. Exactly a Bill of similar nature was thrown out by the Assembly only in 1922.

In my view there appears to be no immediate urgency or necessity for the amendment sought to be effected by this Bill. Opinions were invited on the last occasion. A large majority of the opinions expressed the view that the amendment was not wanted, that it was not opportune, that the society was not prepared for it, that it will unnecessarily cause agitation in the public and that it is against the religious ideas of the Hindus. Since then (1922) there has been no change in the society, nor has there occurred any case or cause which calls for such immediate measure.

The mover of the Bill has failed to make out a case, that the evil is of such a magnitude that legislation is necessary. The evils are much exaggerated. His main reason is infant mortality and secondly the health of the girls. About the first I must say that it may be one of the many reasons and not a very important too. Infant mortality is due more to economic causes, insanitary conditions and want of proper supply of milk.

Similarly the health of the young girls is due to insufficient feeding, congestion, want of exercise, etc. It will be better for the reformers to turn their attention first to these things than to rush all at once to legislature.

The mover seeks mainly to attack marital relations. I am strongly opposed to this, and I deprecate any attempt in such delicate social matters. If this law were to come in force the result would be that as soon as any marriage takes place the police will have to be on the look out to see if any connection takes place. They will have to enter the age of the girl in a register, see if the information is correctly given and at times when suspicion is roused, will have to resort to medical examination of the girl. Plainly put that is what is likely to happen. Looking to the Hindu sentiment, sentiment in high social families, this is simply revolting, revolting to the girl herself, to every member of the family. The result would be the ruin of the life of the girl herself whom it is intended to be protected, as the girl is likely to be abandoned if the husband goes to jail for her sake. This will be an instrument in the hands of the police to harass the people under one pretext or other and to screw out money in some cases and will only lead to very undesirable results.

It is opposed to the Hindu *Shastras*. The interference in religious matters will never be liked by the public and this would prove a source of agitation.

It is opposed to the custom which amount to religion.

The society is not prepared for this legislation. I perfectly agree that the marriageable age is increasing. It has increased to about 12 and in some cases more. Leaving aside the reformers and some communities, marriage takes place when a girl is 12 to 13. Beyond this age, very few girls remain unmarried, unless under special circumstances. Including all communities, communities amongst which marriage takes place after puberty as a matter of course and the reformers, etc., the figure quoted is about 50 per cent. My experience is that over 80 per cent. girls are married at 12 and 80 per cent. husbands stand the risk of being prosecuted. Under the circumstances the law will be either a dead letter or will be dangerous and catastrophic.

I don't agree even to extend the age up to 13 in the case of marital relation.

I will gladly support the extension of the age even up to 16 provided that the age as prescribed for the purpose of the exception is retained.

I agree that public opinion should be invited on this Bill and only in the light of public opinion should the Bill be proceeded with. Widest possible publicity should be given. The Bill with report of the Select Committee should be translated in all vernaculars.

V. N. MUTALIK—13-3-1924.

I am strongly opposed to Dr. Gour's amendment of the Indian Penal Code.

The girls in this country do certainly attain puberty at 12, and the Hindu religion enjoins at any rate that it is commonly believed that it does not enjoin early marriage and its consummation as soon as the girls attain puberty. I cannot conceive that you should penalize consummation of marriage, as many parents and guardians still believe that it is religious duty to perform.

I ought to say that early marriages are gradually diminishing amongst the educated people. I think by raising the age of consent to 14 it will be attended with serious consequences to the State.

I agree with Mr. Rangachariar when he says "So far as married women are concerned it will be fraught with great danger, indeed, if the principle underlying the Bill were applied to married women, it would create a lot of trouble, having regard to the social habits and customs prevailing in the country".

Until public opinion is more advanced it will be undesirable to legislate on the basis suggested.

I have great sympathy with the objects of the Bill; but in the present circumstances it is undesirable to legislate in the matter.

I am fortified by opinion of different Governments and Judges of several Courts.

S. C. GHOSE—8-3-1924.

[AS AMENDED BY THE SELECT COMMITTEE.]

[Words printed in italics indicate the amendments suggested by the Committee.]

A Bill further to amend the Indian Penal Code.

WHEREAS it is expedient further to amend the Indian Penal Code : It is hereby enacted as follows :—

1. This Act may be called the Indian Penal Code (Amendment) Act, 1924. Short title
2. In section 375 of the Indian Penal Code (*hereinafter referred to as the said Code*), in clause *Fifthly* and in the *Exception*, for the word "twelve" the word "fourteen" shall be substituted. Amendment of section 375, Act XLV of 1860.
3. To section 376 of the said Code the following shall be added, namely :— Amendment of section 376, Act XLV of 1860

*" unless the woman raped is his own wife and is not under twelve years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."*
4. In Schedule II to the Code of Criminal Procedure, 1898, for the entries against section 376 the following entries shall be substituted, namely :— Amendment of Schedule II, Code of Criminal Procedure, 1898

"Of Rape."

376	Rape—						
	<i>If the sexual intercourse was by a man with his own wife not being under 12 years of age.</i>	<i>Shall not arrest without warrant.</i>	<i>Summons</i>	<i>Bailable</i>	<i>Not compoundable</i>	<i>Imprisonment of either description for 2 years, or fine or both.</i>	<i>Court of Session, Presidency Magistrate or Magistrate of the first class.</i>
	<i>If the sexual intercourse was by a man with his own wife being under 12 years of age.</i>	<i>Shall not arrest without warrant</i>	<i>Ditto</i>	<i>Ditto</i>	<i>Ditto</i>	<i>Transportation for life, or imprisonment of either description for 10 years, and fine</i>	<i>Court of Session.</i>
	<i>In any other case</i>	<i>May arrest without warrant.</i>	<i>Warrant</i>	<i>Not bailable</i>	<i>Ditto</i>	<i>Ditto</i>	<i>Ditto."</i>





# The Calcutta Gazette

THURSDAY, ' NOVEMBER 13, 1924.

## PART VI.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 3rd September, 1924 :—

NO. 5 OF 1924.

[New matter not contained in the Indian Soldiers (Litigation) Act, 1918, is shown in italics.]

*A bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions.*

WHEREAS it is expedient to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Indian Soldiers (Litigation) Act, 1924.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the first day of January, 1925.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Court" means a Civil or Revenue Court ;

(b) "Indian soldier" means any person subject to the Indian Army Act, 1911 ;

(c) "prescribed" means prescribed by rules made under this Act ; and

(d) "proceeding" includes any suit, appeal or application.

VIII of 1911.



Circumstances in which an Indian soldier shall be deemed to be serving under special conditions.

3. For the purposes of this Act, an Indian soldier shall be deemed to be or, as the case may be, to have been serving—

(a) under special conditions—when he is or has been serving under war conditions, or overseas, on at any place in Persia, Tibet, Afghanistan, Kashmir, Nepal or China, or with any unit the headquarters of which are situated at any place in Chitral, Waziristan, the North-West Frontier Province or British Baluchistan which is more than fifty miles distant by road from the nearest railway station;

(b) under war conditions—when he is or has been, at any time during the continuance of any hostilities declared by the Governor General in Council by notification in the Gazette of India to constitute a state of war for the purposes of this Act or at any time during a period of six months thereafter—

((i) serving out of India,

(ii) under orders to proceed on field service,

(iii) serving with any unit which is for the time being mobilised, or

(iv) serving under conditions which, in the opinion of the prescribed authority, preclude him from obtaining leave of absence to enable him to attend a Court as a party to any proceeding,

or when he is or has been at any other time serving under conditions service under which has been declared by the Governor General in Council by notification in the Gazette of India to be service under war conditions; and

(c) overseas—in relation to any place in British India, other than Aden, when he is or has been serving in Aden or in any place outside India (other than Ceylon) the journey between which and British India is ordinarily undertaken wholly or in part by sea, and in relation to Aden, when he is or has been serving in any place other than Aden.

Particulars to be furnished in complaints, applications or appeals to Court

4. If any person presenting any complaint, application or appeal to any Court has reason to believe that any adverse party is an Indian soldier who is serving under special conditions, he shall state the fact in his complaint, application or appeal.

Power to intervene in case of unrepresented Indian soldier

5. If any Collector has reason to believe that any Indian soldier, who ordinarily resides or has property in his district and who is a party to any proceeding pending before any Court, is unable to appear therein, the Collector may certify the facts in the prescribed manner to the Court.

Notice to be given in case of unrepresented Indian soldier

6. If a Collector has certified under section 5, or if the Court has reason to believe, that an Indian soldier, who is a party to any proceeding pending before it is unable to appear therein, and if the soldier is not represented by any person duly authorised to appear, plead or act on his behalf the Court shall suspend the proceeding, and shall give notice thereof in the prescribed manner to the prescribed authority:

Provided that the Court may refrain from suspending the proceeding and issuing the notice if—

(a) the proceeding is a suit, appeal or application instituted or made by the soldier, alone or conjointly with others, with the object of enforcing a right of pre-emption, or

(b) the interests of the soldier in the proceeding are, in opinion of the Court, either identical with those of any other party to the proceeding and adequately represented by such other party or merely of a formal nature.

Postponement  
of proceedings

7. If, on receipt of a notice under section 6, the prescribed authority certifies in the prescribed manner to the Court in which the proceeding is pending that *the soldier in respect of whom the notice was given* is serving under *special conditions* and that a postponement of the proceeding as against *the soldier* is necessary in the interests of justice, the Court shall thereupon postpone the proceeding as against *the soldier* for the prescribed period, or, if no period has been prescribed, for such period as it thinks fit.

Court may proceed when no certificate received within certain period.

8. If, after issue of a notice under section 6, the prescribed authority either certifies that *the soldier* is not serving under *special conditions* or that such postponement is not necessary, or fails to certify, in the case of a soldier resident in the district in which the Court is situate, within two months or, in any other case, within three months from the date of the issue of the notice that such postponement is necessary, the Court may, if it thinks fit, continue the proceeding.

Postponement of proceedings against the Indian soldier on leave.

9. When any document purporting to be signed by *the Commanding Officer* of an Indian soldier who is a party to any proceeding is produced by or on behalf of *the soldier* before *the Court in which the proceeding is pending* and is to the effect that *the soldier*—

(a) is on leave of absence for a period not exceeding two months, and is on the expiration of his leave to proceed on service under *special conditions*, or

(b) is on sick leave for a period not exceeding three months, and is on the expiration of his leave to rejoin his unit with a view to proceeding on service under *special conditions*,

the proceeding as against such soldier may, in any case such as is referred to in the proviso to section 6, and shall in any other case, be postponed in the manner provided in section 7.

Power to set aside decrees and orders passed against an Indian soldier serving under war or special conditions

10. (1) In any proceeding before a Court in which a decree or order has been passed against any Indian soldier whilst he was serving under war conditions or, at any time after the 1st day of January, 1925, whilst he was serving under any *special conditions*, the soldier may apply to the Court which passed the decree or order for an order to set aside the same, and, if the Court, after giving an opportunity to the opposite party of being heard, is satisfied that the interests of justice require that the decree or order should be set aside as against the soldier, the Court shall, subject to such conditions, if any, as it thinks fit to impose, make an order accordingly.

(2) No such application shall be entertained unless it is made within two months from the expiry of the first period of thirty days, after the date of the decree or order, during no part of which the soldier was serving under *special conditions* :

Provided that the provisions of section 5 of the Indian Limitation Act, 1908, shall apply to such applications.

IX of 1908.

(3) When the decree or order in respect of which an application under sub-section (1) is made is of such a nature that it cannot be set aside as against *the soldier* only, it may be set aside as against all or any of the parties against whom it has been made.

Modification of law of limitation in the case of Indian soldier serving under war or special conditions.

11. In computing the period of limitation prescribed by the Indian Limitation Act, 1908, or any other law for the time being in force for any suit, appeal or application to any Court in which the plaintiff, appellant or applicant is or has been an Indian soldier, the time during which *the soldier* has been serving under war conditions since the 4th day of August, 1914, or under any *special conditions*, the 1st day of January since 1925, shall be excluded :

IX of 1908

Provided that this section shall not apply in the case of any suit, appeal or application instituted or made with the object of enforcing a right of pre-emption.

Power of Court to refer question as to whether service was under war or other special conditions

12. If any Court is in doubt whether, for the purposes of section 10 or section 11, any Indian soldier is or was at any particular time serving under war or other special conditions, it may refer the point for the decision of the prescribed authority, and the certificate of that authority shall be conclusive evidence on the point.

Rule-making power

13. The Local Government, after consulting the High Court, may, by notification in the local official Gazette, make rules to provide for all or any of the following matters, namely:—

- (a) the manner and form in which any notice or certificate under this Act shall be given;
- (b) the period for which proceedings or any class of proceedings shall be postponed under section 7;
- (c) the persons who shall be the prescribed authorities for the purposes of this Act;
- (d) any other matter which is to be or may be prescribed; and
- (e) generally, any matters incidental to the purposes of this Act.

Power to apply the provisions of the Act to other persons in the service of the Crown.

14. The Governor-General in Council may, by notification in the Gazette of India, direct that all or any of the provisions of this Act shall apply to any other class of persons in the service of His Majesty specified in such notification in the same manner as they apply to Indian soldiers.

Repeal of Acts IX of 1918 and XII of 1924

15. The Indian Soldiers (Litigation) Act, 1918, and the Indian Soldiers Litigation (Amendment) Act, 1924, are hereby repealed.

#### STATEMENT OF OBJECTS AND REASONS.

In May 1915 an Ordinance was made and promulgated for the special protection in respect of civil and revenue litigation of Indian soldiers serving under war conditions. The Ordinance was replaced in the first instance by an Act passed in 1915, and the provisions of that Act were re-enacted, with certain amendments, in the Indian Soldiers (Litigation) Act, 1918. The Act applies to Indian soldiers serving under war conditions and provides *inter alia* for the postponement in certain circumstances of civil and revenue proceedings in which an unrepresented Indian soldier is a party and for the deduction from periods of limitation in suits, appeals or applications by Indian soldiers of the periods during which they have been serving under war conditions. The Act applies to service under war conditions during the war and for six months thereafter, and to other service which is declared by the Governor-General in Council to be service under war conditions.

2. It was suggested that the protection required in these matters by Indian soldiers serving under war conditions was also required by Indian soldiers serving on garrison duty overseas and in certain areas in India. Local Governments and Administrations were accordingly consulted in regard to the working of the existing Act. They unanimously accept the suggestion to extend its operation, and are of opinion that it has been found to be of real benefit to the absent Indian soldier, and that the hardship caused to the general public has been negligible. Certain of the authorities consulted were, however, of opinion that the Act should not apply to suits, appeals or applications to enforce a right of pre-emption, nor to cases in which the interests of the soldier in the proceeding are either identical with or are adequately represented by another party to the proceeding. The former restriction on the application of the Act may be compared with the exception in section 8 of the Indian Limitation Act, 1908, and the restriction was proposed because of the insecurity of tenure which is involved by the present law in such cases. The Bill has been prepared to give effect to those suggestions, and it has been considered expedient to provide for them by consolidating and amending the law on the subject.

J. CRERAR.

The 25th August, 1924.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 23rd September 1924 :—

No. 30 of 1924.

*A Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees.*

WHEREAS it is expedient to make provision for the weekly payment of wages to workmen, domestic servants and other employees ; It is hereby enacted as follows :—

Short title,  
extent, commence-  
ment and applica-  
tion.

1. (1) This Act may be called the Weekly Payments Act,  
(2) It shall extend to the whole of British India, including British Baluchistan and the Sonthal Parganas.  
(3) It shall come into force on the first day of June, 1925.  
(4) It shall apply—

- (i) to every class of workers engaged in factories which come under the cognizance of the Indian Factories Act, 1911 ;  
(ii) to all employees in Government or private service establishments ; and  
(iii) to all skilled or unskilled workers or employees wheresoever employed, provided that such workers or employees are in receipt of wages, which in total amount to less than Rs. 100 per month.

XII of 1911

Weekly pay-  
ment of wages.

2. From the date of the passing of this Act, it shall be unlawful for any employer to engage any workman, domestic servant or other employee, provided such workman, domestic servant or employee is to be paid his wages at a rate amounting to less than Rs. 100 per month, on any other basis except that of payment of such wages on the weekly basis.

Penalties.

3. Any breach of this Act will be punishable with simple imprisonment which may extend to three months, and may also be punishable with a fine not exceeding Rs. 1,000.

Savings.

4. The provisions of this Act shall not affect the right of employers to make payments to workers on the daily or any other basis provided such payments are not withheld for more than a week.

## STATEMENT OF OBJECTS AND REASONS.

During recent strikes in India it has been discovered that certain groups of unscrupulous employers have been in the habit of stopping the wages due to workmen who have worked in their factories even for a full period of a month, thereby causing a great deal of hardship to such workers and their dependants. The scandal created by such action on the part of employers was such that even the Government of Bombay had recently to take notice of it. The matter was subsequently raised in the Houses of Parliament where it was stated that the question of legislation on the lines indicated in the suggestion that payments to workers should be made on the weekly basis was under consideration. The passing of this Bill will certainly go a long way in getting a worker not only out of the clutches of mill Managers and mill Agents, but equally out of the clutches of the average money lender, considering that under the present circumstances an average worker's family in industrial area, where payment is made on a monthly basis, has to subsist on credit for a period of six weeks of their initial employment with not a single pice of their remuneration being paid to them during such period of their employment.

SRINAGAR,

The 10th August, 1924.

D. CHAMAN LALL.

H. MONGRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 23rd September 1924 :—

No. 31 OF 1924.

*A Bill to regulate the employment of women in factories and mines and on those estates to which the Assam Labour and Emigration Act, 1901, applies some time before and some time after confinement, and to make provision for the payment of maternity benefit.*

WHEREAS it is expedient to regulate the employment of women in factories and mines and on those estates to which the Assam Labour and Emigration Act, 1901, applies some time before and some time after confinement, and to make provision for the payment of maternity benefit during the period of absence from work due to advanced state of pregnancy and confinement ; It is hereby enacted as follows :—

VI of 1901.

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Maternity Benefit Act, 1924.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the first day of January, 1926.

Definitions.

2. In this Act,—

(a) "factory" means a factory as defined in the Indian Factories Act, 1911 ;

XII of 1911.

(b) "mine" means a mine as defined in the Indian Mines Act, 1923 ;

IV of 1923.

(c) "estate" means an estate as defined by the Assam Labour and Emigration Act, 1901 ;

VI of 1901.

(d) "qualified medical practitioner" means a qualified medical practitioner as defined in the Workmen's Compensation Act, 1923 ;

VIII of 1923.

(e) "benefit" means benefit as provided for by this Act ;

(f) "employer" includes an "occupier" of a factory as defined in the Indian Factories Act, 1911, or the "manager" of a factory, or an "owner" of a mine or his "agent" as defined by the Indian Mines Act, 1923, or the "manager" of a mine, or the "chief person" for the time being in charge of any "estate" ;

XII of 1911.

IV of 1923.

(g) "Inspector of Estates" means an Inspector as defined by the Assam Labour and Emigration Act, 1901 ;

VI of 1901.

(h) "Inspector of Factories" means an Inspector as defined by the Indian Factories Act, 1911 ;

XII of 1911.

(i) "Chief Inspector of Mines" means a Chief Inspector as defined by the Indian Mines Act, 1923 ; and

(j) "Inspector of Mines" means an Inspector as defined by the Indian Mines Act, 1923.

IV of 1923.

Employment of  
women at the  
time of confine-  
ment and pay-  
ment from Mater-  
nity Benefit Fund.

3. In any factory or in a mine or on an estate to which the Assam Labour and Emigration Act, 1901, or any section thereof applies, a woman—

VI of 1901.

(a) shall not be knowingly employed during the six weeks following her confinement ;

(b) shall have the right to leave her work if she produces a medical certificate from a qualified medical practitioner stating that her confinement will probably take place within six weeks ;

(c) shall, while she is absent from her work in pursuance of clauses (a) and (b) of this section, be paid by the Local Government in accordance with rules made for this purpose, out of a fund to be established for this purpose and called the Maternity Benefit Fund, benefit sufficient for the full and healthy maintenance of herself and her child, the amount of which shall be determined in accordance with rules made by the Local Government.

Payment in case of death during period of confinement.

4. If a woman dies at her confinement or during the period for which she is entitled to benefit, the remaining sums due as maternity benefit shall be paid to the person who undertakes the care of the child in accordance with rules made by the Local Government.

Dismissal of woman during confinement.

5. Where a woman is absent from her work in accordance with clause (a) or clause (b) of section 3, it shall not be lawful for her employer to give her notice of dismissal during such absence or at such a time that the notice would expire during such absence.

Penalty for contravention of Act by employers.

6. An employer contravening any provision of this Act or any rule made thereunder shall be punishable with fine which may extend to five hundred rupees.

Powers of Local Government to make rules.

7. Every Local Government shall make rules—

(a) for the establishment of a Maternity Benefit Fund; for fixing the amount of contribution to be paid to it by each factory or mine or estate; for the collection of the contributions and for the management and safe custody of the fund;

(b) for determining the manner of payment of the benefit to the person entitled to receive it; and

(c) for fixing the amount of benefit to be paid under this Act.

Duties and powers of Inspectors.

8. The Inspector of Factories or the Chief Inspector of Mines or an Inspector of Mines or an Inspector of Estates shall have and perform the same powers and duties for the purpose of clauses (a) and (b) of section 3, and section 5 as they have and perform for the purpose of the Indian Factories Act, 1911, the Indian Mines Act, 1923, and the Assam Labour and Emigration Act, 1901, respectively.

XII of 1911.  
IV of 1923  
VI of 1901

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is twofold:—Firstly, it is intended to prohibit the employment of women in those industries the work in which is regulated by law, six weeks after confinement, to enable them to leave work six weeks before confinement and to prevent them from being dismissed from service during the days of their absence from work due to their advanced state of pregnancy and confinement. Secondly during the period of her absence due to the above-mentioned reasons a woman worker should be provided with financial help sufficient to maintain herself and the child in a healthy condition. The money necessary for this purpose is to be raised by the Local Government by levying contributions upon the industries covered by the Bill in the form of a small cess on the products of the industries or in some other convenient form to be decided by the Local Government. The amount to be given to each woman entitled to receive the benefit and the manner of payment and other matters connected with the Bill are left to be settled by the Local Governments by rules made by them.

The Bill seeks to carry out some of the proposals contained in the Draft Convention passed at the first International Labour Conference held at Washington in 1919. If India desires to secure her proper place among the civilised nations of the world she cannot plead her inability to treat her women workers in the way in which civilised nations are expected to do. Moreover, there seems to be a natural desire in the country for rapid industrialization. But if industrialism is to be an unmingled blessing to the working

classes, timely provision must be made to avoid and counteract the evils incidental to the introduction of the new system. There is no doubt that if women continue their long and arduous work in factories, mines and other organised industries even in an advanced state of pregnancy and immediately after confinement their health and the health of their children will not fail to suffer.

Provision of maternity benefit during the days of enforced absence is necessary as without such provision, more prevention of work will be a measure of doubtful utility. It is but fair that the financial burden of the provision of the maternity benefit should fall upon industries that employ women with their natural sex disabilities. Moreover, as only a small proportion of women out of the total number of women employed will be eligible for the maternity benefit during the course of the year, the incidence of the burden will be very small. To prevent women workers from being dismissed some time before they become entitled to the maternity benefit it is necessary that the maternity benefit should be paid out of the general fund and not by individual employers. As the welfare of labour is a Provincial subject it is only proper that the working out of the scheme for the maternity benefit should be left to Local Governments.

N. M. JOSHI.

BOMBAY.

*The 2nd July 1924.*

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 23rd September 1924 :—

No. 32 of 1924.

*A Bill further to amend the Indian Railways Act, 1890.*

WHEREAS it is expedient to amend the law relating to Railways in India; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Railways (Amendment) Act, 1924.

Amendment of section 42, Act IX of 1890

2. In section 42 of the Indian Railways Act, 1890, after sub-section (2) the following *Explanation* shall be inserted, namely :—

"*Explanation.*—For the purposes of this sub-section reservation of any compartment in a railway train for the exclusive use of any passenger as belonging to any particular community, race or creed shall be deemed to be undue preference."

STATEMENT OF OBJECTS AND REASONS.

The amending Bill is intended to prohibit reservation of compartments in railway trains for the exclusive use of persons belonging to any particular community, race or creed. In certain prosecutions under section 109 of the Indian Railways Act, 1890 (IX of 1890), the point at issue was whether such reservation amounted to undue preference within the meaning of section 42. The High Courts have variously interpreted section 42 in these cases while agreeing that such reservation is not *ultra vires*. The present amendment will place the matter beyond doubt and bring the law into line with public opinion.

K. C. NEOGY.

The 12th January, 1924.

H. MONCRIEFF SMITH,

*Secretary to the Government of India.*







# The Calcutta Gazette

THURSDAY, NOVEMBER 6, 1924.

## PART VI.

**Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.**

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of State on the 3rd September 1924 :—

No. 8 OF 1924.

*A Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications.*

WHEREAS it is expedient to amend certain provisions of the Indian Penal Code and of the Code of Criminal Procedure, 1898, for the purpose of giving effect to the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications signed at Geneva on behalf of the Governor General in Council on the 12th day of September, 1923; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Obscene Publications Act, 1924.

Substitution of new sections for sections 292 and 293, Act XLV of 1860.

2. For sections 292 and 293 of the Indian Penal Code the following sections shall be substituted, namely:—

Sale, etc., of obscene books, etc.

"292. Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

XLV of 1860.  
V of 1898

XLV of 1860.

- (b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or
- (c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or
- (d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or
- (e) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

*Exception.*—This section does not extend to any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

Sale, etc., of  
obscene objects to  
young persons.

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

Amendment of  
section 98, Act V  
of 1898

3. (1) In sub-section (1) of section 98 of the Code of Criminal Procedure, 1898,—

V of 1898

- (i) after the words "coin or stamps or for forging", where they first occur, the following paragraph shall be inserted, namely :—

"or for the deposit, sale, manufacture or production of any obscene object such as is referred to in section 292 of the Indian Penal Code";

XIV of 1860.

and after the same words, where they occur for the second time, the words "or that any such obscene objects" shall be inserted ;

- (ii) in clause (c), after the word "materials" the words "or of any such obscene objects" shall be inserted ;

- (iii) in clause (d), after the word "materials" the words "or such obscene objects" shall be inserted ; and

- (iv) in clause (e), after the words "or materials", where they first occur, the words "or such obscene objects" shall be inserted, and after the words "or for forging" the following words shall be added, namely :—

"or the said obscene objects to have been or to be intended to be sold, let to hire, distributed, publicly exhibited, circulated, imported or exported."

- (2) In the Second Schedule to the same Code—

- (i) for the entry in column 2 against section 293 the words "Sale, etc., of obscene objects to young persons" shall be substituted ; and

- (ii) for the entry in column 7 against the same section the words "Imprisonment of either description for 6 months, or fine or both" shall be substituted.

(3) In the Fifth Schedule to the same Code, in Form IX, after the words "or seals, or coins" the words "or obscene objects" shall be inserted.

## STATEMENT OF OBJECTS AND REASONS.

On the 8th March, 1924, the following resolution was adopted by the Assembly :—

This Assembly recommends to the Governor General in Council—

- (1) that India do ratify the International Convention for the suppression of the circulation of, and traffic in, obscene publications, dated the twelfth day of September, One Thousand Nine Hundred and Twenty-three, which was drafted by the International Conference which met at Geneva under the auspices of the League of Nations on the 31st August, 1923 ;
- (2) that in the legislation to be introduced in the Indian Legislature in accordance with the provisions of the Convention, it should be made an aggravation of the offence of the offer, delivery, sale or distribution of obscene matters or things if such is made to persons of either sex below a certain age."

A resolution in identical terms was adopted by the Council of State on the 11th March, 1924. The Bill proposes to give effect to this resolution.

2. In the first place, the proposed section 292 of the Indian Penal Code is intended to give effect to Article 1 of the International Convention for the suppression of the circulation of, and traffic in, obscene publications, which runs as follows :—

"The High Contracting Parties agree to take all measures to discover, prosecute and punish any person engaged in committing any of the following offences and accordingly agree that

1. It shall be a punishable offence :

- (1) For purposes of or in the way of trade or for distribution or public exhibition to make or produce or have in possession obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects ;

or for the purposes above mentioned to import, convey or export or cause to be imported, conveyed or exported any of the said obscene matters or things or in any manner whatsoever to put them into circulation ;

- (3) To carry on or take part in a business, whether public or private, concerned with any of the said obscene matters or things, or to deal in the said matters or things in any manner whatsoever, or to distribute them or to exhibit them publicly or to make a business of lending them ;

- ) To advertise or make known by any means whatsoever, in view of assisting in the said punishable circulation or traffic, that a person is engaged in any of the above punishable acts, or to advertise or to make known how or from whom the said obscene matters or things can be procured either directly or indirectly."

The existing exception in section 292 of the Code is, however, retained.

3. In the final Act of the International Conference which drafted the Convention, it was stated that the Conference generally was of opinion that the offences of offering, delivering, selling or distributing obscene objects must be held to have been aggravated when committed in respect of minors. The Council considered that it would be preferable to leave each State free to fix the age under which a person should be considered to be a minor for the purposes of this provision. The principle of this recommendation was accepted in the resolution adopted by both Chambers of the Indian Legislature though no decision was arrived at as to the exact age that should be specified. Local Governments were consulted upon the question and after considering their replies, it has been decided to make the age 20 years. This proposal is given effect to in the proposed section 293.

4. The Convention, in Article 5, also provided that legislation should be undertaken to make provision for the searching of any premises where there is reason to believe that obscene matters or things mentioned in Article 1 of the Convention are being made or deposited for any of the purposes specified in the Article, or in violation of its provisions, and for their seizure, detention and destruction.

In clause 3 of the Bill, the necessary amendments to section 98 of the Code of Criminal Procedure, 1898, to give effect to this Article of the Convention are embodied.

5. The remaining provisions of the Bill are merely consequential.

J. CRERAR,

The 1st September, 1924.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.







